

Public Hearing

March 11, 2008

Excerpts from Minutes:

Includes excerpts from Minutes showing delegations, discussions, schedules, and submissions from September 2007 onward.

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Includes excerpts from Minutes showing delegations, discussions, schedules, and submissions from September 2007 onward:

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General Purposes Committee

Date: Monday, September 17th, 2007

Place: Anderson Room
Richmond City Hall

Present: Mayor Malcolm D. Brodie, Chair
Councillor Linda Barnes
Councillor Cynthia Chen
Councillor Derek Dang
Councillor Evelina Halsey-Brandt
Councillor Sue Halsey-Brandt
Councillor Rob Howard
Councillor Bill McNulty
Councillor Harold Steves

Call to Order: The Chair called the meeting to order at 4:01 p.m.

MINUTES

1. It was moved and seconded
That the minutes of the meeting of the General Purposes Committee held on Tuesday, September 4th, 2007, be adopted as circulated.

CARRIED

DELEGATION

2. *Dr. Jeff Coleman, representing the Vancouver Coastal Health Authority, to provide an update on Richmond Health Services.* (File No.: 0750-01)

The Chair stated that Dr. Coleman had indicated that he would be late to the meeting, and he advised that the meeting would continue with the next agenda items while awaiting Dr. Coleman's arrival.

Please see Page 10 for the minutes relating to Dr. Coleman's presentation.

General Purposes Committee

Monday, September 17th, 2007

PLANNING & DEVELOPMENT DEPARTMENT

5. **GARDEN CITY LAND (5555 NO. 4 ROAD) UPDATE**
(Report: Aug. 30/07, File No.: 08-4105-20-2007387179) (REDMS No. 2269718)

The General Manager, Planning & Development, Joe Erceg, accompanied by the Senior Manager Corporate Communications, Ted Townsend, and Senior Coordinator, Major Projects & Development Applications, Cecilia Achiam, briefly reviewed the report with the Committee.

Mr. Greg Lyle, of Innovative Research Group, then gave a PowerPoint presentation to review with Committee, the results of the *Richmond Community Survey* which had been commissioned by the Canada Lands Company (CLC) to understand the public views about the Garden City Land tri-partite agreement. A copy of this document is on file in the City Clerk's Office.

Discussion then ensued among Committee members, Mr. Lyle and staff on:

- the rationale for the City becoming the applicant for the ALR Exclusion application
- the timing of the completion of a conceptual plan for the future development of the Garden City land
- the findings of the survey as they related to various issues, including:
 - o "Plurality support Garden City lands agreement"
 - o "Why do you support/oppose?"
 - o "Parkland and general use elements strongly supported"
 - o "Two-fifths are familiar with the ALR"
 - o "Development seen as inevitable; desire to preserve green space"
 - o "Half need to know more about agreement before supporting removing land from the ALR"
- how participants in the survey were selected and the relationship of the percentages shown
- the words 'net benefit to agriculture' and whether the City would be in a position to add this benefit in its application to the ALR
- the format in which consultation with the public regarding the Garden City land would be undertaken
- the uses which would be permitted if the Garden City lands were to remain in the ALR, and whether playing fields, parkland or golf courses would be allowed.

General Purposes Committee

Monday, September 17th, 2007

During the discussion, the suggestion was made that the *Richmond Community Survey* be included in the City's application to the Agricultural Land Commission.

It was moved and seconded

That the report (dated August 30th, 2007, from the Acting Director of Development), regarding the Garden City Land (5555 No. 4 Road) Update, be received for information.

The question on the motion was not called, as Councillor Steves expressed his displeasure at two statements made in the staff report which related to the Memorandum of Understanding (MOU). He also voiced his opposition to the results of the survey. Cllr. Steves then spoke at length about his concerns with the staff report, and suggested that no action should be taken until a decision was reached relating to a dispute which the Musqueam was having with the Greater Vancouver Regional District.

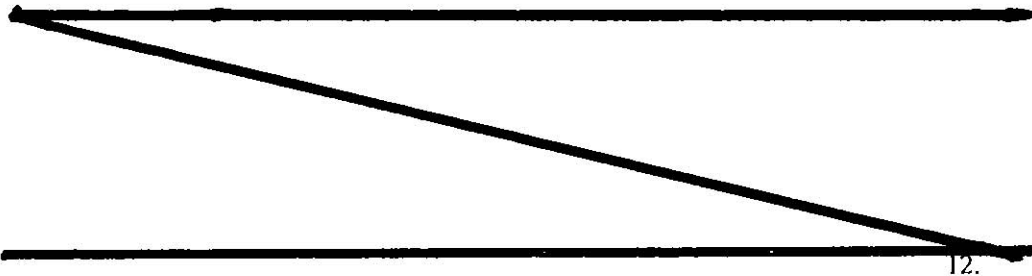
Cllr. Steves then circulated material to the Committee which provided updated information on a proposal which he had previously submitted regarding the Garden City lands, and he asked that Committee consider these new recommendations. A copy of this material is on file in the City Clerk's Office.

Discussion then took place among Committee members on (i) whether the City should take the next step and file a new application for removal of the Garden City lands from the ALR; (ii) the impact to the City if the MOU was declared invalid; (iii) whether by receiving the report and survey results for information, Committee was expressing its tacit agreement to the proposal; and (iv) whether those surveyed understood the question relating to the agreement between the City, the CLC and the Musqueam to develop the Garden City lands.

During the discussion, Cllr. Barnes indicated that even though she would receive the report for information, she did not accept all of the conclusions contained in the survey.

Reference was made to the staff report which is proposed to be submitted to Committee within the next few months, and the request was made that the report include information on the uses which would and would not be permitted on land located within the ALR.

The question on the motion was then called, and it was **CARRIED** with Cllr. Steves opposed.





Planning Committee

Date: Tuesday, November 20, 2007
Place: Anderson Room
Richmond City Hall
Present: Councillor Harold Steves, Chair
Councillor Bill McNulty, Vice-Chair
Councillor Linda Barnes
Councillor Sue Halsey-Brandt
Councillor Rob Howard
Also Present: Councillor Cynthia Chen
Call to Order: The Chair called the meeting to order at 4:00 p.m.

MINUTES

1. It was moved and seconded
That the minutes of the meeting of the Planning Committee held on Tuesday, November 6, 2007, be adopted as circulated.

The question on the motion was not called, as the request was made that the minutes be amended on Page 6, third line of the third paragraph, by deleting the word "designer", and by substituting the words "Richmond Heritage Commission".

The question on the motion, as amended, was then called, and it was **CARRIED.**

NEXT COMMITTEE MEETING DATE

2. The next meeting of the Committee will be held on Tuesday, **December 4, 2007**, at 4:00 p.m. in the Anderson Room.

Planning Committee

Tuesday, November 20, 2007

DELEGATION

3. **CAROL DAY REGARDING THE GARDEN CITY LANDS** (File No.: 12-8060-20-8303)

Ms. Carol Day advised that her submission (a copy is attached as Schedule A and forms part of these minutes) was a discussion of the Garden City Lands, and she drew Committee's attention to the three requests outlined in her submission:

1. contact the Canada Lands Company (CLC) and the Federal Government for the purpose to offer to purchase the entire Garden City lands for \$10 million;
2. abandon the application to the Agricultural Land Commission (ALC) to remove the Garden City lands from the Agricultural Land Reserve (ALR); and
3. allow the Memorandum of Understanding (MOU) between the Canada Lands Company, the Musqueam and the City of Richmond to expire.

Ms. Day stated that the main reasons that informed her requests were: the City needs green space and/or parkland; the Garden City (GC) lands can provide a true legacy for generations to come; the GC lands would provide the ability to produce food; and that food needs are more important than land claims.

She stressed that it is critical to maintain the Garden City lands as land, and that in her opinion the GC lands should be protected from high-density development.

Further, Ms. Day remarked that the MOU is not a good deal for the City, and that the City should be prepared to fight for what the residents deserve.

Ms. Day concluded her remarks by stating that residents are becoming better educated about the GC lands issue, that people are proposing more creative ideas, and that innovative people are suggesting ways to use the land.

At the conclusion of the presentation, discussion ensued among Committee members and the delegation on Ms. Day's requests of Committee, and in particular, on:

- the question of whether or not the ALR decision could be challenged in the courts;
- the importance some residents of Richmond place on this piece of land;
- the sensitive nature of the MOU and how realistic it is to let the Memorandum expire;
- the idea that the City could make its own offer to the CLC for the entire acreage;

Planning Committee

Tuesday, November 20, 2007

- staff is working on a new application that will go to Council in December;
- members of the public have accessibility to the MOU in its entirety as it is published on the City's website;
- the actual total number of park acreage the City is lacking at present;
- what effect, if any, the recent agreement struck between the Province and the Musqueam, will have on the Garden City land issue;

At the conclusion of the discussion, the following motion was introduced:

That the following three requests as outlined in the submission by Carol Day, a Delegate at the November 20, 2007 Planning Committee Meeting:

- (a) *contact the Canada Lands Company and the Federal Government for the purpose to offer to purchase the entire Garden City lands for 10 million dollars;*
- (b) *abandon the application to the Agricultural Land Commission (ALC) to remove the Garden City lands from the Agricultural Land reserve (ALR);*
- (c) *allow the Memorandum of Understanding (MOU) between the Canada Lands Company, the Musqueam and the City of Richmond to expire,*

be referred to outside legal counsel to obtain a legal opinion on the ramifications of Ms. Day's three requests.

The question on the motion was not called, as discussion continued on this matter. As a result, it was agreed that the following would be added as amendments to the referral motion:

That staff first learn the cost associated with outside legal opinion before submitting the three requests to outside legal counsel.

The question on the motion, as amended to read as follows:

That:

- (1) *the following three requests as outlined in the submission by Carol Day, a Delegate at the November 20, 2007 Planning Committee Meeting:*
 - (a) *contact the Canada Lands Company and the Federal Government for the purpose to offer to purchase the entire Garden City lands for 10 million dollars;*
 - (b) *abandon the application to the Agricultural Land Commission (ALC) to remove the Garden City lands from the Agricultural Land reserve (ALR);*

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(c) *allow the Memorandum of Understanding (MOU) between the Canada Lands Company, the Musqueam and the City of Richmond to expire,*

be referred to outside legal counsel to obtain a legal opinion on the ramifications of Ms. Day's three requests; and

(2) *staff first learn the cost associated with outside legal opinion before submitting the three requests to outside legal counsel.*

was then called, and it was **CARRIED** with Cllrs. McNulty and Howard opposed.

PLANNING & DEVELOPMENT DEPARTMENT

4. **APPLICATION BY CHUN WAH LAU FOR REZONING AT 9651 NO. 1 ROAD FROM SINGLE-FAMILY HOUSING DISTRICT, SUBDIVISION AREA E (R1/E) TO SINGLE-FAMILY HOUSING DISTRICT (R1/-0.6)**

(RZ 07-379913 - Report: October 31, 2007, File No.: 12-8060-20-8303) (REDMS No. 2289613, 2297877)

It was moved and seconded

That Bylaw No. 8303, for the rezoning of 9651 No. 1 Road from "Single-Family Housing District, Subdivision Area E (R1/E)" to "Single-Family Housing District (R1-0.6)", be introduced and given first reading.

CARRIED

5. **APPLICATION BY SALINDRAN BHULLER FOR REZONING AT 10371 WILLIAMS ROAD FROM SINGLE-FAMILY HOUSING DISTRICT, SUBDIVISION AREA E (R1/E) TO SINGLE-FAMILY HOUSING DISTRICT (R1-0.6)**

(RZ 07-369542 - Report: November 5, 2007, File No.: 12-8060-20-8313) (REDMS No. 2294670, 2300186)

It was moved and seconded

That Bylaw No. 8313, for the rezoning of 10371 Williams Road from "Single-Family Housing District, Subdivision Area E (R1/E)" to "Single-Family Housing District (R1-0.6)", be introduced and given first reading.

CARRIED



Planning Committee

Date: Tuesday, December 4, 2007
Place: Anderson Room
Richmond City Hall
Present: Councillor Harold Steves, Chair
Councillor Bill McNulty, Vice-Chair
Councillor Linda Barnes
Mayor Malcolm Brodie
Councillor Derek Dang
Councillor Sue Halsey-Brandt
Councillor Rob Howard
Call to Order: The Chair called the meeting to order at 4:00 p.m.

MINUTES

1. It was moved and seconded
That the minutes of the meeting of the Planning Committee held on Tuesday, November 20, 2007, be adopted as circulated.

CARRIED

NEXT COMMITTEE MEETING DATE

2. The next meeting of the Committee will be held on Tuesday, December 18, 2007, at 4:00 p.m. in the Anderson Room.
3. **APPLICATION BY INTERFACE ARCHITECTURE INC. FOR A STRATA TITLE CONVERSION AT 14380 TRIANGLE ROAD**
(Report: November 5, 2007, File No.: SC 07-381275) (REDMS No. 229929, 113733,)

It was moved and seconded
That the application for a strata title conversion by Interface Architecture Inc. for the property located at 14380 Triangle Road be approved on fulfilment of the following conditions:

Planning Committee

Tuesday, December 4, 2007

6. **STEVESTON HIGHWAY-NO. 5 ROAD AREA TRANSPORTATION IMPROVEMENT PLAN**

(Report: November 16, 2007, File No.: 10-8300-01) (REDMS No. 2302095)

It was moved and seconded

That the British Columbia Ministry of Transportation and TransLink be forwarded a copy of the above report and requested to include the future improvements for the Highway 99 corridor, including the George Massey Tunnel, Blundell Interchange, and Steveston Interchange, in their respective transportation improvement plans for the region and as part of TransLink's 2040 Transportation Strategy.

CARRIED

The Chair commented that members of the Planning Committee had received a memorandum, dated December 4, 2007, from George Duncan, Chief Administrative Officer, and that the memorandum addressed a November 20, 2007 Planning Committee referral on the Garden City Lands.

As a result of the Chair's comment the following motion was introduced:

It was moved and seconded

That Item 2 on the Planning Committee Agenda (closed) for December 4, 2007 be placed on the Planning Committee Agenda (open) and discussed as Item 6A.

CARRIED

6A **RESPONSE TO PLANNING COMMITTEE REFERRAL OF NOVEMBER 20, 2007 ON GARDEN CITY LANDS**

(File No.: 12-8060-20-8303)

George Duncan, Chief Administrative Officer, accompanied by Celeste Curran, City Solicitor, referred to his December 4, 2007 Memorandum to the Planning Committee (on file in the City Clerk's Office), and advised that, as a result of the referral to staff, from the November 20, 2007 Planning Committee, the City's Law Section had obtained a quote of approximately \$10,000 from the firm of Staples McDonald Stewart.

Mr. Duncan then referred to the three other points raised in the referral of November 20, 2007 and summarized responses to each one:

- (i) with regard to whether an offer to purchase the entire Garden City lands for \$10 million can be made to the Canada Lands Company (CLC) the answer is yes, the City can approach the CLC and the Musqueam Indian Band but it is unlikely that the two parties would be willing to sell the land until the ALR exemption process is complete, because if the land is removed from the ALR the value would increase substantially;

Planning Committee

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- (ii) with regard to whether or not the City can abandon the application to the Agriculture Land Commission (ALC) to remove the Garden City lands from the Agricultural Land Reserve (ALR) under the purchase sale agreement, it was established that, if the City fails to continue through with the application, one of the potential legal implications would be that the City could be accused of being in breach of contract;
- (iii) with regard to allowing the MOU between the CLC and the Musqueam and the City to expire, then the City would have no further interest in the lands or any right to claim any interest in the lands, including the right to use the lands for community uses, without the agreement of the owner(s) of the lands.

Committee and staff discussed the findings in the memorandum.

In response to a query, staff advised that a report on the Garden City Lands will go to the Monday, December 17, 2007 General Purposes Committee meeting.

As a result of the discussion of the memorandum, the following motion was introduced:

It was moved and seconded

That the memorandum from the Chief Administrative Officer, dated December 4, 2007, (i) be confirmed, and (ii) that it responds to the terms of the referral made at the Planning Committee meeting of November 20, 2007.

Prior to the question on the motion being called, Committee directed staff to incorporate the findings in the memorandum in subsequent Garden City Lands reports.

The question on the motion was then called and it was **CARRIED**.

7. MANAGER'S REPORT

- (1) *City Centre Area Plan (CCAP)* – No report was given.
- (2) *Steveston Study* – No report was given.
- (3) *Official Community Plan (OCP)* – No report was given.
- (4) *Liveable Region Strategic Plan Review (LRSP)* – No report was given.



**Special Council Meeting
Monday, December 17th, 2007**

Time: 4:00 p. m.

Place: Anderson Room
Richmond City Hall

Present: Mayor Malcolm D. Brodie
Councillor Linda Barnes
Councillor Cynthia Chen
Councillor Derek Dang
Councillor Evelina Halsey-Brandt (Participated electronically)
Councillor Sue Halsey-Brandt
Councillor Rob Howard
Councillor Bill McNulty
Councillor Harold Steves
Director, City Clerk's Office – David Weber

Call to Order: Mayor Brodie called the meeting to order at 4:00 p.m.

RES NO. ITEM

COMMITTEE OF THE WHOLE

SP07/7-1 1. It was moved and seconded
*That Council resolve into Committee of the Whole to hear delegations on
agenda items and to consider Item 3 in detail (4:00 p.m.).*

CARRIED



Special Council Meeting – Monday, December 17th, 2007

RES NO. ITEM

2. Delegations from the floor on Agenda items

Micheal Wolfe, 9731 Odlin Road, spoke in opposition to removing the Garden City Lands from the Agricultural Land Reserve (ALR) designation, believing that the Lands should be used for sustainable food security initiatives. He provided a brief history associated with the Garden City Lands, and spoke about the traffic in the area, as well as several environmental issues, including climate changes, reduction of carbon emissions, methane and carbon dioxide.

In conclusion, Mr. Wolfe spoke about the best interests of the planet, the definition of sustainable, and how Council's decision will impact generations to come.

Jim Wright, 8300 Osgoode Drive, expressed several concerns about the uncertainties related to the final outcome for the Garden City Lands including (i). the risks involved with removing the Lands from the ALR designation in case the Memorandum Of Understanding (MOU) expires; (ii). the lengthy time period before a final approval; and (iii). the requirement for adequate schools in the event that residential developments would be approved for the Lands.

Shane McMillan, 7160 Schaefer Ave, spoke in opposition to removing the Garden City Lands from the ALR designation, and expressed concern about Richmond's increasing population and requirements for food as well as global warming and existing food shortages. He also referred to Stanley Park in Vancouver, and how Richmond could use the Garden City Lands for a similar park.

Jim Lamond, Chair, Richmond Sports Council joined by Roger Barnes, Vice-Chair, Richmond Sports Council spoke in support of extending the MOU and Purchase and Sale (PSA) for the Garden City Lands. He indicated that the Richmond Sports Council has worked actively for 35 years to attain the Lands for sports related activities and community use.

Roger Barnes made reference to the Garden City Lands being identified for increasing sports activities by the Community Working Group and 2005 Master Plan. He identified and briefly spoke about the proposed environmental; agricultural; fitness components that have been proposed; and stated that he was in support of shared uses of the land.



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RES NO. ITEM

A Discussion ensued about several matters, including the following:

- the Richmond Sports Council's long range vision and Master Plan;
- the Musqueam Indian Band's soccer group;
- the range of density identified for the Garden City Lands;
- the types of facilities the Lands could accommodate, including build able floor space, open space accommodations for events rather than large building facilities;
- utilization of the Lands for provisions of food rather than sports fields; and
- Tourism Richmond and the possible development of a Trade and Exhibition Centre.

Staff advised that questions related to feasible uses and development of the Lands will be answered during the detailed Master Plan phase for the Lands.

Nancy Trant, 10100 No. 3 Road, provided a her perspective on how native lands have been treated historically, and questioned whose needs would really be served by removing the Lands from the ALR. She stressed her belief that the Garden City Lands are the heart and soul of Richmond, and that the Lands should be used for trails, and parks, as well as for improving the standard of living and air quality.

Otto Langer, 6911 Dunsany Place, believed that further information and evidence regarding the Garden City Lands was required. Sharing his belief that Richmond was overdeveloped, he questioned whether Richmond had a lack of park space, or too many people. He also spoke about the ramifications of global warming on the existing lack of space for food production. In conclusion, Mr. Langer stated that Richmond should have complete control, and support only a sustainable initiative for the Lands.

Carole Day, 11631 Seahurst Road, expressed her belief that the MOU was "dead", and that the Agricultural Land Commission would deny any application to remove the Garden City Lands from the ALR. She suggested that the City meet with the MIB and CLC to explore other options, particularly non-high density proposals. She concluded by stating that the Lands have agricultural ability and are suitable for agricultural purposes.



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RES NO. ITEM

Peter Mitchell, 6271 Nanika Crescent stated that he felt he could support the proposal for the Garden City Lands, as long as an extensive public process is undertaken. He questioned the ability to farm the Lands without addressing the existing traffic flow issues, and spoke about Richmond's demographics and population, provision for schools, farmland, and community gardens. Mr. Mitchell believed that Minoru Park was the heart and soul of Richmond, rather than the Garden City Lands.

3. GARDEN CITY LANDS

(Report: December 13/07, File No.: 03-1000-14-117; xr: 07-387179) (REDMS No. 2314676)

Joe Erceg, General Manager, Planning and Development clarified that at this time, staff was not seeking a decision on the exclusion of the Garden City Lands from the ALR, but were seeking a decision on the following four recommendations:

- an extension of the Memorandum of Understanding to enable continuation of the application process;
- authorization to initiate a block application for the exclusion of the Garden City Lands from the ALR, with the City acting as the applicant. The application would undergo an extensive public consultation process, which would include open houses as well as a Public Hearing process, and a presentation to Council prior to submission to the Agricultural Land Commission (ALC);
- endorsement of an Agricultural Endowment Fund; and
- endorsement of agricultural, environmental, and open space uses of the public lands portion of the site.

Mr. Erceg also indicated that staff had attained external legal advice, as well as advice from the Treasury Board of Canada, and stressed that if the Memorandum of Understanding (MOU) and Purchase and Sales Agreement (PSA) were terminated, the following could result:

- the City would not have legal entitlement or claim to the Garden City Lands;
- control of the Garden City Lands would not default back to the Federal Government;
- agricultural uses on the lands would not be guaranteed; and



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RES NO. ITEM

- another opportunity for the City to acquire a continuous block of land may not be available again.

Reference was made to the wording of staff Recommendations No. 2 and No. 4, and as a result, it was agreed that Recommendation No. 2 would be amended to add the following words to the beginning of the recommendation: *'If Council approves a subsequent application being submitted to the Agricultural Land Commission by the City of Richmond'*, and that Recommendation No. 4 would be amended to replace the words *'the preferred'* with the word *'Richmond's'*.

SP07/7-2

It was moved and seconded

Whereas:

- (a) *the City has contemplated the acquisition of the Garden City Lands for a considerable period of time to provide public amenities;*
- (b) *the Treasury Board of Canada Secretariat has sold and transferred title of the Garden City Lands to the Canada Lands Company (CLC) after CLC and Musqueam negotiated a Joint Venture Agreement between themselves for co-development of their portion of the site to resolve the injunction granted by the courts to the Musqueam;*
- (c) *the Musqueam Indian Band, the City of Richmond and Canada Lands Company have reached an agreement in the form of a Memorandum of Understanding (MOU), and Purchase & Sale Agreement, to enable the sharing of the lands between the three parties provided that certain conditions are met, including the removal of the land from the Agricultural Land Reserve;*
- (d) *the period specified in the MOU will expire on December 31, 2007, thereby requiring an extension;*
- (e) *the MOU and Purchase & Sale Agreement entitles the City to purchase 50% of the Garden City Land if the ALR exclusion is successful;*
- (f) *Council recognizes the significant opportunity for using the Garden City Lands to address community needs for both the City of Richmond and the Musqueam;*
- (g) *without the MOU, the City of Richmond has no legal claims to any of the Garden City Lands; and*
- (h) *should Musqueam gain ownership of the lands through means other than the MOU, the City may not have any regulatory control over the land use and may not be able to levy property tax.*

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RES NO. ITEM

Therefore be it resolved that:

- (1) *The Mayor and City Clerk be authorized to execute an agreement to extend the Purchase and Sale Agreement for a one-year period ending December 31, 2008, to allow adequate time for the Agricultural Land Reserve (ALR) Exclusion Application process;*
- (2) *If Council approves a subsequent application being submitted to the Agricultural Land Commission by the City of Richmond, staff submit a "Block Application" to the Agricultural Land Commission (ALC) for the exclusion of the properties known as the "Garden City Lands" bounded by Garden City Road, Alderbridge Way, No. 4 Road and Westminster Highway;*
- (3) *The proposed concept to create an endowment fund to provide agricultural benefits, including contribution by the City as noted in the staff report, be approved and for the proposed concept to be included in the "Block Application"; and*
- (4) *Council endorse Community Wellness and Enabling Healthy Lifestyles, Urban Agriculture, and Showcasing Environmental Sustainability as outlined in the staff report from the Acting Director of Development dated December 13, 2007, as Richmond's uses on the City's portion of the Garden City Lands.*

The question on the motion was not called, as discussion took place about several matters, including the following:

- the extensive process and costs of public consultation, which would comprise of a Public Hearing, and a minimum of three open houses to take place prior to an application submission to the ALC. It was also noted that costs would be shared by the Canada Land Company (CLC);
- how this process presented the only opportunity for the City to attain a portion of the Lands, as the City is the only one of the three parties involved that does not own any part of the Garden City Lands;
- whether or not the Musqueam Indian Band (MIB) would be required to abide by the ALR regulations, and the options available through the Federal or Provincial government to circumvent the ALR regulations;
- whether the "Block Application" to the ALC for the exclusion of the Garden City Lands should be made on behalf of the City or the CLC;

Councillor Steves read from his submission titled *Garden City Lands 2007* (Schedule 1).



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Concern was expressed that by removing the Lands from the ALR, there would not be any guarantee of uses and protection of the Lands. However, it was also noted that if the MOU and PSA are not pursued, the City would forever lose an opportunity that presents a chance to have control of the site; and make a significant legacy statement to benefit the community by endorsing community wellness, healthy lifestyles, urban agriculture and environmental sustainability on the City’s portion of the Garden City Lands.

Prior to the question on the motion being called, the request was made that each part of the motion be dealt with separately.

The question on Part 1 of Resolution No. SP07/7-2 was then called, and it was **CARRIED** with Cllrs. Sue Halsey Brandt and Steves opposed.

The question on Part 2 of Resolution No. SP07/7-2 was called, and it was **CARRIED** with Cllrs. Barnes, Sue Halsey-Brandt and Steves opposed.

The question on Part 3 of Resolution No. SP07/7-2 was called, and it was **CARRIED** with Cllr. Steves opposed.

The question on Part 4 of Resolution No. SP07/7-2 was called, and it was **CARRIED**.

SP07/7-3 4. It was moved and seconded
That Committee rise and report 6:29 p.m.).

CARRIED

RATIFICATION OF COMMITTEE ACTION

SP07/7-4 It was moved and seconded

Whereas:

- (a) the City has contemplated the acquisition of the Garden City Lands for a considerable period of time to provide public amenities;*
- (b) the Treasury Board of Canada Secretariat has sold and transferred title of the Garden City Lands to the Canada Lands Company (CLC) after CLC and Musqueam negotiated a Joint Venture Agreement between themselves for co-development of their portion of the site to resolve the injunction granted by the courts to the Musqueam;*



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RES NO. ITEM

- (c) *the Musqueam Indian Band, the City of Richmond and Canada Lands Company have reached an agreement in the form of a Memorandum of Understanding (MOU), and Purchase & Sale Agreement, to enable the sharing of the lands between the three parties provided that certain conditions are met, including the removal of the land from the Agricultural Land Reserve;*
- (d) *the period specified in the MOU will expire on December 31, 2007, thereby requiring an extension;*
- (e) *the MOU and Purchase & Sale Agreement entitles the City to purchase 50% of the Garden City Land if the ALR exclusion is successful;*
- (f) *Council recognizes the significant opportunity for using the Garden City Lands to address community needs for both the City of Richmond and the Musqueam;*
- (g) *without the MOU, the City of Richmond has no legal claims to any of the Garden City Lands; and*
- (h) *should Musqueam gain ownership of the lands through means other than the MOU, the City may not have any regulatory control over the land use and may not be able to levy property tax.*

Therefore be it resolved that:

- (1) *The Mayor and City Clerk be authorized to execute an agreement to extend the Purchase and Sale Agreement for a one-year period ending December 31, 2008, to allow adequate time for the Agricultural Land Reserve (ALR) Exclusion Application process;*
- (2) *If Council approves a subsequent application being submitted to the Agricultural Land Commission by the City of Richmond, staff submit a "Block Application" to the Agricultural Land Commission (ALC) for the exclusion of the properties known as the "Garden City Lands" bounded by Garden City Road, Alderbridge Way, No. 4 Road and Westminster Highway;*
- (3) *The proposed concept to create an endowment fund to provide agricultural benefits, including contribution by the City as noted in the staff report, be approved and for the proposed concept to be included in the "Block Application"; and*
- (4) *Council endorse Community Wellness and Enabling Healthy Lifestyles, Urban Agriculture, and Showcasing Environmental Sustainability as outlined in the staff report from the Acting Director of Development dated December 13, 2007, as Richmond's uses on the City's portion of the Garden City Lands.*



Special Council Meeting – Monday, December 17th, 2007

RES NO. ITEM

Prior to the question on the motion being called, the request was made that each part of the motion be dealt with separately.

The question on Part 1 of Resolution No. SP07/7-4 was then called, and it was **CARRIED** with Cllrs. Sue Halsey Brandt and Steves opposed.

The question on Part 2 of Resolution No. SP07/7-4 was called, and it was **CARRIED** with Cllrs. Barnes, Sue Halsey-Brandt and Steves opposed.

The question on Part 3 of Resolution No. SP07/7-4 was called, and it was **CARRIED** with Cllr. Steves opposed.

The question on Part 4 of Resolution No. SP07/7-4 was called, and it was **CARRIED**.

ADJOURNMENT

SP08/7-5

It was moved and seconded
That the meeting adjourn (6:30 p.m.).

CARRIED

Certified a true and correct copy of the Minutes of the Special Meeting of the Council of the City of Richmond held on Monday, December 17th, 2007

Mayor Malcolm D. Brodie

Corporate Officer (David Weber)

ANALYSIS:

1. Richmond has completed its obligation under the MOU. Under the MOU the CLC can unilaterally extend the MOU to Dec. 31, 2008 and present the application to the Agricultural Land Commission. Therefore there is no need for Richmond to extend the MOU to Dec. 31, 2008 or be the applicant to take the land out of the ALR.

2. The City legal opinion states that *"if the COR were to withdraw its recommendation this could expose COR to allegations of bad faith and a claim for a breach of contract."* As the city has already met its obligations taking no further action would not be a breach of contract as the MOU allows the CLC to proceed unilaterally.

3. Recommendation (h) in the staff report suggests that under Musqueam ownership of the lands through means other than the MOU, the city may not have regulatory control over the land use. By inference staff are suggesting that the Musqueam would have a better chance of having the land removed from the ALR than Richmond. If that was the case the CLC and Musqueam would not have required Richmond to be the applicant to take the land out of the ALR in the first place.

4. Should the ALC reject the application a second time the CLC could be required to sell the land back to the Canadian Government as they are a corporation solely owned by the Government of Canada. If the Government of Canada permitted, they could sell to the Musqueam. However, the ALR and all Richmond laws would apply. The Canada Lands Corporation does not have the legal right or constitutional authority to create Indian Reserve. No Indian Reserve, no tax problem.

5. The City legal opinion rightly concludes that *"it is unlikely that any sale would be considered by CLC and MIB until it is definitely determined whether the Lands will be removed from the ALR. If the Lands are removed from the ALR we expect the value of the Lands will rise dramatically"* Thus there are two possible values for the Garden City Lands , its value as farmland and its value as high density residential land.

6. Part 8 of the staff analysis notes that *"Ownership of 68 acres of public open space will go a long way in achieving the park and open space requirement envisioned in the City Centre Area Plan."* True, but provision of 136 acres would go much further. Page B1 of the City of Richmond Parks, Recreation and Cultural Services Master Plan states: *"Current parkland allocation shortfall of 155.4 acres (62.9 hectares) will increase to a shortfall in 2021 of 676 acres (273 hectares), roughly ten times the area of Minoru Precinct."* Provision of the entire 136 acres would go much further towards achieving our park land requirement. 676 acres will cost the City \$1.35 billion.

CONCLUSION:

If the City of Richmond is serious about attempting to obtain even a major portion of the 676 acres of much needed parkland or in preserving farmland and the ability to feed ourselves for present generations in the coming decades, the staff recommendation should be ammended.

(1) That the City of Richmond Inform the CLC and MIB that Richmond's obligation to take the Garden City Lands exclusion application to the Agricultural Land Commission has been completed and Richmond will not be pursuing an extension of the Purchase and Sale Agreement to Dec. 31, 2008 or leading the application to remove the land from the ALR.

(2) That the proposed concept to create an endowment fund to provide agricultural benefits be approved. This fund could be generated from the recent \$140,000,000 sale of the last portion of the Brighthouse Estate farmland that has generated millions of dollars of benefits for everything but agriculture over the past 40 years

(3) That Council endorse Community Wellness and Enabling Healthy Lifestyles, Urban Agriculture, and showcasing Environmental Sustainability, as the preferred uses on all of the Garden City Lands.

(4) That should the Garden City Lands remain in the ALR the City should offer to trade 20 acres of City owned Industrial Land on Triangle Road, worth \$25,000,000 industrial value for the entire 136 acre Garden City site worth \$13,600,000 agricultural value. Should half of the Garden City Lands be removed from the ALR the city should offer to buy the CLC and MIB portion for the \$136,000,000 residential value.

Harold Steves,
Councillor

Looking for a X-Mas gift? [Everybody needs a Flickr Pro Account!](#)



General Purposes Committee

Date: Monday, February 18, 2008
Place: Anderson Room
Richmond City Hall
Present: Mayor Malcolm D. Brodie, Chair
Councillor Linda Barnes (5:21 p.m.)
Councillor Cynthia Chen
Councillor Derek Dang
Councillor Evelina Halsey-Brandt
Councillor Sue Halsey-Brandt
Councillor Rob Howard
Councillor Harold Steves (4:25 p.m.)
Absent: Councillor Bill McNulty
Call to Order: The Chair called the meeting to order at 4:23 p.m.

MINUTES

A request was made that Part (2) of the motion under the heading "Canada Line Information and Advertising Displays" in the minutes of the General Purposes Committee held on Monday, February 4th, 2008, be amended to read as:

"(2) That staff report back to Council with a pilot implementation plan giving consideration to an option that includes revenues generated from advertising, and one that does not include revenues generated from advertising.

1. It was moved and seconded
That the minutes of the meeting of the General Purposes Committee held on Monday, February 4th, 2008, be adopted as amended.

CARRIED

At this point, Councillor Harold Steves entered the meeting (4:25 p.m.).

General Purposes Committee

Monday, February 18th, 2008

PLANNING & DEVELOPMENT DEPARTMENT

2. THE GARDEN CITY LANDS – AGRICULTURAL LAND RESERVE EXCLUSION APPLICATION

(Report: February 15, 2008, File No.: 08-4105-20-20077381719) (REDMS No. 2343964, 2343687, 2244254, 2341370)

Joe Erceg, General Manager, Planning and Development, accompanied by Cecilia Achiam, Senior Coordinator, Major Projects & Development Applications, reviewed the report with the Committee. Mr. Erceg provided a brief history associated with the Garden City Lands, and advised the Committee that if the agreement was to become invalid, the lands would likely be tied up in legal action by the Musqueam Indian Band, and the City would not own a portion of the Garden City Lands, or have any jurisdiction over the land use and future development of the site.

Mr. Erceg advised the Committee of the Open Houses recently held by the City, including one at the Musqueam Indian Band Office. He further advised that the deadline for the public to submit their comments was Friday, February 15th, 2008, and results from the open houses were expected to be made available within the next two weeks, prior to the Public Hearing scheduled for the Garden City Lands on March 11, 2008.

Representing the Canada Lands Company (CLC), Randy Fasan accompanied by Doug Kester advised that the representatives from the Musqueam Indian Band were unable attend today's meeting, as they were meeting with their consultants to review the application. He further advised that the Musqueam Indian Band would be reviewing the results from their open house, and that changes would be made to the Musqueam Community Needs section, and some portions of the application.

Mr. Kester advised that in order to pre-empt the Garden City Lands site from being divided either east west or north south, the word "scattered" had been used in reference to the distribution of the Public Lands within the MOU and PSA. He further advised that in conformity with the wording in the PSA, the City would have the ability to apply the best planning principles to the Public Lands in order to divide the land into the most optimal configuration.

During the ensuing discussion, and in response to questions, the following was noted:

- if the agreement was unsuccessful, it would be highly likely that the Musqueam Indian Band would reinvigorate their legal action to protect their interests in the land;
- a legal document offering the Musqueam Indian Band the first right to purchase the Lands does not exist;

General Purposes Committee

Monday, February 18th, 2008

- if the Lands are not removed from the Agricultural Land Reserve (ALR), the eventual use would depend on the conditions of the site and its surroundings;
- the CLC does not receive support from the government, as it is a self financing, non-governmental agency; and
- the occurrence of a federal court case where a First Nation had successfully ascertained land from the Federal Government could not be confirmed as having taken place in Canada.

Ned Pottinger, of Pottinger Gaherty Environmental Consultants Ltd, spoke about the Garden City Lands site in terms of agricultural viability and suitability. He advised that the site would require extensive remedial work related to irrigation and drainage, and commented that the site is not an ideal place for agricultural use given its urban use surroundings.

Mr. Pottinger then spoke about the opportunity to provide agricultural benefits and assistance to the farming community through an Agricultural Endowment Fund from developing the Musqueam and CLC portion of the Garden City Lands.

Joost Bakker, of Hotson Bakker Bonafice Haden Architects, spoke about the site's urban surroundings, the City's transit oriented strategy, and the city wide context. Mr. Bakker advised that the site would accommodate 10,000 to 12,000 people, and could assist in addressing the pressures related to the growth of the population.

Reference was made to the minutes of a meeting held by the Provincial Agricultural Land Commission on September 1, 2006, and in particular, to a statement found in Staff Agrologist, Trevor Murrie's report, indicating that in Mr. Murrie's opinion, there were no significant limitations to agricultural capability to restrict the agricultural use of the soils on the Garden City Lands. Advice was provided that Mr. Murrie's report had not taken into consideration several factors associated with agricultural suitability, including the location of the site.

A discussion ensued among Committee members and representatives from the various agencies, and the following was noted:

- if the site land was improved with irrigation and drainage, and lime was added to the soil, it could be possible to grow vegetables on the site;
- the cost of a municipal water supply to the site for agricultural use would be high, and a ditch system would not be used.

Further discussion took place about factors taken into consideration when classifying, and determining suitability of soil for particular types of crops.

General Purposes Committee

Monday, February 18th, 2008

In answer to a question about the management of the Agricultural Endowment Fund, staff advised that the current opinion regarding the fund was that it was intended for legitimate agricultural purposes, and not for hobby farming. Other details of the fund were expected to be established subsequent to the Agricultural Land Commission (ALC) process.

Olga T. Katcheva, #8 – 7680 Gilbert Road, advised the Committee that she had avidly attended the Garden City Open House, and shared her findings, which were of great concern to her. Ms. Katcheva felt that (i) important information was missing from the presentation material at the open house; (ii) a language barrier existed between the public and those hosting the open house; (iii) the representatives at the open house were intimidating; (iv) the language of the feedback submission form was complicated; and (v) the online feedback form was designed in a manner which would not allow you to submit it without selecting one of the options presented by the City, whether you agreed with it or not.

At this point, Councillor Linda Barnes entered the meeting (5:21 p.m.).

Jim Wright, 8300 Osgoode Drive, stated that it would be a travesty of democracy if the Garden City ALR application moves onto the next stage without the citizens of Richmond being genuinely informed and consulted. He voiced concern related to the Garden City Lands Open House feedback submission form, believing that it was misleading, and prevented the citizens from truly submitting their views. Mr. Wright spoke about smart growth principles and stated his belief that the term smart growth was misused when associated with the Garden City Lands.

Reference was made to densification, and how it actually protects farm land by consuming less development land.

In answer to a question, Mr. Wright stated that he'd like to see the community being given impartial and objective information, presented in a survey or feedback form that would allow the citizens an equal opportunity to be heard.

In answer to a question, Mr. Erceg advised that the possibility of building a Trade and Exhibition Center (T&E) on the Garden City Lands still existed, and was referenced in the agreement.

Mr. Erceg further advised that the City may own up to 50% of the Lands, and that the agreement provides for up to 15% of the Lands to be used for a proposed T&E. If the T&E does not proceed, the designated portion of the Lands (15%) would be divided between the City and the CLC/Musqueam.

Phyllis Carlyle, General Manager, Law & Community Safety, advised that the PSA envisions the CLC and the City jointly agreeing on any Official Community Plan (OCP), rezoning, and subdivision requirements upon Council's final approval. The CLC will be representing the interest of the Musqueam through the agreement.

General Purposes Committee

Monday, February 18th, 2008

Ms. Carlyle also advised that if an OCP, rezoning, or subdivision was not approved by Council, then the parties would discuss the issue further, and that in the event that an agreement was unattainable, there is no provision for an arbitration process.

De Whalen, 13631 Blundell Road, requested the Committee to reconsider the block application to remove the Garden City Lands from the ALR, and then provided a brief history associated with the community gardens at the Fantasy Gardens site in Richmond. She spoke about the remedial action taken on that site in order to successfully grow an assortment of vegetables, including tomatoes, peppers, cucumbers, potatoes corn, squash and Chinese greens. She expressed her belief that if similar action was taken on the Garden City Lands, they could be used for test farming and educational farming. Ms. Whalen expressed her belief that if the lands were left in the ALR designation, they would eventually become undesirable and of no value to the Musqueam.

At this point Councillor Howard left the meeting (6:05 p.m.).

In answer to a question, Ms. Whalen expressed that she felt the agreement to receive 50% of the lands was not acceptable, noting that the absence of provisions for dispute resolution in the agreement was undesirable.

At this point Councillor Howard returned to the meeting (6:08 p.m.).

Gordon Kibble, 11171 – 4th Avenue, stated that he was speaking as an individual member of the Advisory Committee on the Environment (ACE), and not on behalf of the Committee. He then questioned why ACE had not had an opportunity to review the Garden City Lands ALR exclusion application and provide input, and why the application was not being referred to ACE by resolution.

Staff advised that ACE and any member of the public was be able to access the report about the Garden City Lands ALR exclusion application since it was public information.

Arzcena Hamir, 8480 Dayton Court, spoke about the importance of urban agriculture, and advised that ongoing climate changes would impact food security, and by the year 2020, major exporters of food such as California are predicted to become net importers of food. She expressed concerns related to Richmond's food security needs, and stated that Richmond needs to grow its own food, in order to be a liveable city. She also remarked that at this time, Richmond has only four community gardens.

General Purposes Committee

Monday, February 18th, 2008

Ms. Hamir made reference to an agreement by the Soccer Association to decommission some of their fields if the City agreed to build artificial turf fields. She felt the City had fulfilled its commitment, and that the Association should give up 50 of its 100 grass fields. In conclusion, she stated that the application for exclusion of the ALR going forward to the Agricultural Land Commission states that the Lands were not acceptable for commercial farming, but were suitable for urban agriculture.

A discussion ensued, during which information was provided that farms under five acres were considered to be hobby farms, and that some of these hobby farms were the main source of produce during the summer months in Richmond. Concern was expressed and questions were raised about why the Agricultural Endowment Fund could not be used to assist hobby farmers.

It was moved and seconded

That

(1) *The following recommendation be forwarded to Public Hearing:*

That Council endorse the "Block Application" (Attachment 1) to exclude the properties known as the "Garden City Lands" bounded by Garden City Road, Alderbridge Way, No. 4 Road and Westminster Highway from the Agricultural Land Reserve (ALR) on behalf of the Musqueam Indian Band (Musqueam), the City of Richmond and the Canada Lands Company (CLC), collectively known as "the partners"; and

(2) *This report be referred to Richmond Agricultural Advisory Committee and the Advisory Committee on the Environment for their comments and input to Council prior to the Public Hearing; and*

(3) *The "Block Application" be forwarded to a Public Hearing on March 11, 2008, at 7:00 p.m. in the Council Chambers at Richmond City Hall.*

The question on the motion was not called, as Councillor Harold Steves gave a brief presentation about the shortfall of parkland in Richmond, a copy of Councillor Steves' submission is attached as Schedule 1, and forms part of these minutes.

Discussion then took place about missing this opportunity to own part of the Lands by leaving the Lands in the ALR designation. Various comments were made by the Councillors in support of and in opposition to the application going forward. Concerns were expressed about the consequences the City would face if the lands were removed from the ALR, and subsequently if the deal did not go forward with the CLC, and Musqueam.

General Purposes Committee

Monday, February 18th, 2008

In answer to questions, Mike Redpath, Manager, Parks - Programs, Planning & Design advised that the Garden City Lands are designated as park and open space in the OCP, and that park and open space are directly tied to development and growth.

Councillor Steves, clarified that during his presentation, he was not suggesting that the City purchase the lands, rather that the Lands be left in the ALR so that the City would not be forced into the position of having to purchase them later at a much higher price.

Discussion continued, and concern was expressed about: (i) the precedent that would be set for adjacent agricultural properties, if the Garden City Lands were removed from the ALR, and if those property owners could expect to be granted exclusion from the ALR, and (ii) the City's responsibility for provisions of parkland if residential development takes place on the Garden City Lands.

The Chair announced that the meeting would now recess (7:07 p.m.), in order to call the Public Hearing to order.

The open General Purposes Committee reconvened at 7:08 p.m..

As discussion continued, questions were raised as to whether or not the CLC and Musqueam portion of the land could be removed from the ALR, and advice was provided that the City's portion of land had yet to be designated, therefore it would be difficult to remove a selected portion of the Lands from the ALR.

The question on the motion was then called, and it was **CARRIED** with Cllrs. Linda Barnes, S. Halsey-Brandt, and Steves opposed.

ADJOURNMENT

It was moved and seconded
That the meeting adjourn (7:17 p.m.).

CARRIED

General Purposes Committee

Monday, February 18th, 2008

Certified a true and correct copy of the Minutes of the meeting of the General Purposes Committee of the Council of the City of Richmond held on Monday, February 18, 2008.

Mayor Malcolm D. Brodie
Chair

Shanan Dhaliwal
Executive Assistant, City Clerk's Office

GARDEN CITY LANDS PARK NEEDS FACT SHEET NO.1

Harold Steves, BscAg,
 City Councillor, Richmond

The Richmond Parks Recreation and Cultural Services Master Plan states that we presently have a shortfall of 155.4 acres of parkland in Richmond but we will need an additional 676 acres of parkland by 2021 for a population of 212,000 people, just 13 years from now. That is the parkland needed for 40,000 more people but not for 120,000 more people that is proposed.

A look at the Parkland Allocation graph shows that actually 2,120 acres minus 1,288 acres equals 831 additional acres that are required over what is parkland today.

There are only three large acreages in urban Richmond that are available to make up that park deficit, the Garden City Lands, DND Lands and the Quilchena Golf Course. All three together they would compensate for one-half of Richmond's park needs by 2021. As there is no other acreage available all additional parkland will have to be acquired by purchasing, demolishing and rehabilitating older home to parkland at a cost of \$2.5 million for purchase only.

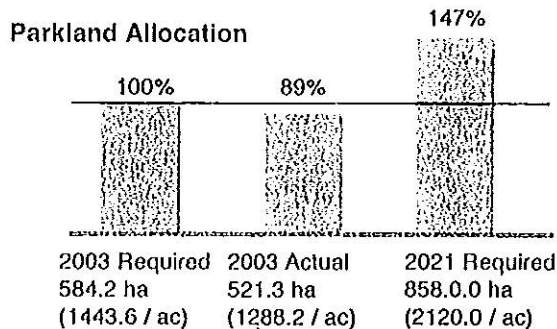
Whether or not the land is removed from the ALR, owned by the City, Crown, or Musqueam, the City should be reserving the entire Garden City Lands site for future park use. At present the agricultural value of the property is under \$100,000 per acre. Once it is out of the ALR it's value increases to over \$2 million per acre.

~~Richmond Parks, Recreation and Cultural Services Master Plan~~

Overall

Facility Quick Facts:

- Total inventory of buildings in current replacement dollars is \$127,347,000 (incl. Riverport facilities and new Cambie Library)
- Lifecycle upgrades estimated in current dollars at \$13,558,100 or 89% average building life remaining
- Current parkland allocation shortfall of 155.4 acres (62.9 hectares) will increase to a shortfall in 2021 of 676 acres (273 hectares), roughly ten times the area of the existing Minoru Precinct



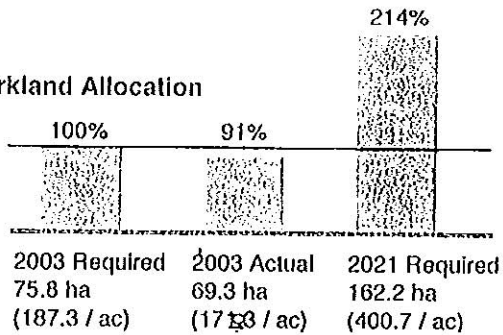


City Centre

Facility Quick Facts:

- Brighthouse Library and Cultural Centre built 1992; value \$15.1 million, \$1.4 million in upgrades
- Gateway Theatre built 1984; value \$6.8 million, upgrades \$900,000
- Minoru Chapel built 1891
- Minoru Seniors Activity Centre built 1986; valued at \$2.35 million, upgrades \$854,000
- Centennial and Minoru Pools, built 1958 and 1977
- Minoru Arenas built 1965
- Minoru Sport Pavilion built 1964, valued at \$1.17 million; upgrades \$268,000;
- Minoru Grandstand built 1974

Parkland Allocation



Link



Regular Council Meeting

Monday, February 25th, 2008

Time: 7:00 p.m.
Place: Council Chambers
Richmond City Hall
Present: Mayor Malcolm D. Brodie
Councillor Linda Barnes
Councillor Cynthia Chen
Councillor Derek Dang
Councillor Evelina Halsey-Brandt
Councillor Sue Halsey-Brandt
Councillor Rob Howard
Councillor Bill McNulty
Councillor Harold Steves
Director, City Clerk's Office – David Weber
Call to Order: Mayor Brodie called the meeting to order at 7:00 p.m.

RES NO. ITEM

MINUTES

- R08/4-1 1. It was moved and seconded
That:
- (1) *the minutes of the Regular Council Meeting held on Monday, February 11th, 2008 ;and*
 - (2) *the minutes of the Regular Council Meeting for Public Hearings held on Monday, February 18, 2008.*
- each be adopted as circulated.*

CARRIED



Regular Council Meeting

Monday, February 25th, 2008

RES NO. ITEM

COMMITTEE OF THE WHOLE

Joe Erceg, General Manager, Planning and Development, accompanied by Cecilia Achiam, Senior Coordinator, Major Projects & Development Applications, clarified that the recommendation under consideration at this meeting was whether the ALR exclusion application would be forwarded to a Public Hearing.

Mr. Erceg advised that:

- the City of Richmond did not have legal entitlement to the Lands, and under this agreement, the City could own 50%, but only if the Lands were removed from the ALR;
- should the agreement be terminated, the Musqueam have stated their intention to proceed with legal action to protect their interests in the land;
- Council has approved the following uses for the City's portion of the Garden City Lands: (i) Community Wellness and Enabling Healthy Lifestyles, (ii) Urban Agriculture, and (iii) Showcasing Environmental Sustainability;
- the Purchase and Sales Agreement (PSA) specifies that a restrictive covenant would be registered to ensure that the City's portion of the Lands would be for the stated public uses; and
- results from three Open Houses held in Richmond, and one held at the Musqueam Indian Band Office, would be available prior to the March 11th, 2008 Public Hearing.

Mr. Erceg made reference to a memo, dated February 22nd, 2008, which included several attachments that addressed concerns expressed at the General Purposes Committee meeting held on Monday, February 18th, 2008. In answer to a question, Mr. Erceg confirmed that the information in the memo could be released to the public. A copy of the memo and its attachments are attached as Schedule 1, and form part of these minutes.



Regular Council Meeting

Monday, February 25th, 2008

RES NO. ITEM

Representing Musqueam Indian Band, Nolan Charles, Musqueam Councillor, accompanied by Jim Reynolds, General Legal Counsel for the Musqueam, advised that the Chief, and other members of the Musqueam Council were regretfully unable to attend the meeting, due to a gathering of substantial cultural significance taking place at their longhouse. Mr. Charles advised that he was representing the Chief and Council in expressing their strong support for a partnership with the City of Richmond and the Canada Lands Company (CLC).

He provided a brief history associated with the Musqueam and their interest in the Garden City Lands, and spoke about provisions for adequate community services for residents of Richmond and the Musqueam. He also spoke about how the Garden City Lands would make a significant contribution to the Musqueam community such as children's support and education; employment and training; recreational facilities; band facilities; Musqueam Language Programs; and Musqueam Cultural Interpretation Programs.

Mr. Charles remarked that the Musqueam intended to proceed in good faith and to honour all aspects of the agreement, and commented on the realities, impact, and risk to Richmond in the event the application failed or was delayed. If necessary, the Musqueam would seek legal remedies to secure their interest in the Lands, which he felt was counterproductive, and not the preferred course of action.

Mr. Reynolds remarked that the agreement was a historic agreement, and if successful, would avoid expensive litigation. He also remarked that if the agreement failed, there could be serious implications for all British Columbians.

Questions were raised, and various statements were made about the possibility of the Garden City Lands ever becoming Crown land again. It was noted that the CLC was the registered owner of the Lands, and that it that was highly unlikely that the Lands would ever revert back to the Federal Government. However, the fate of the Garden City Lands if the agreement was to fail could not be confirmed.



Regular Council Meeting

Monday, February 25th, 2008

RES NO. ITEM

During the ensuing discussion, and in response to questions, the following was noted:

- it would be premature to allocate particular parts of the land for particular uses such as affordable housing. If the exclusion proceeded, then a full planning and consultation process would take place, including a master plan, which could take up to two years. Also, the affordable housing strategy and other rezoning requirements would be applicable to the Lands;
- the basis of the agreement was that: (i) the Garden City Lands would be transferred to the CLC and the City in order to facilitate the placement of a Trade and Exhibition Centre (T & E); (ii) the Lands would be used to satisfy the community needs of the Musqueam, and (iii) a substantial portion of the Lands would be used for community amenities and interests by the City of Richmond; and
- the Musqueam Community Needs Assessment is a public document, and is accessible online at the City's website.

Mr. Charles advised that he could not answer any questions related to the possibility of the Lands being farmed by the Musqueam without consulting the rest of the Musqueam Council, and that he could only address questions related to the agreement.

Representing the Canada Lands Company, Randy Fasan accompanied by Doug Kester advised that the writer of the Agricultural Viability and Suitability Assessment report was unable to attend the meeting, but would be attending the March 11th, 2008 Public Hearing. Mr. Fasan then provided brief histories associated with the drafting of the Garden City Lands agreement between the Canada Lands Company, City of Richmond and Musqueam, as well as previous Canadian land claim settlements involving the Musqueam.



Regular Council Meeting

Monday, February 25th, 2008

RES NO. ITEM

Ned Pottinger, of Pottinger Gaherty Environmental Consultants Ltd., spoke about the current state of the Garden City Lands and the benefits associated with the proposed project. He stated that it would be possible to use the Lands for agriculture, however, with the current state of the soil, the Lands were not prime lands for farming purposes. Upon extensive remedial work related to drainage and irrigation; and provisions to counteract the low PH balance, the site's capabilities could include pastures, cranberries, vegetables and blueberries. He further stated that plants requiring deep rooting would not be recommended, and due to surrounding roads, noise, odour, and overall location, the site would not be suitable for commercial agriculture.

With the aid of various illustrations, Joost Bakker, Hotson Bakker Bonafice Haden Architects, provided highlights related to the urban design review and planning context of the site. Mr. Bakker spoke about Richmond's proactive planning to share the inevitable growth of Metro Vancouver; the Garden City Lands site's capability to accommodate 10,000 – 12,000 people; the site's strategic location, being close to transit; and the unique opportunity presented by the site to showcase urban development.

In answer to a question about food grown in smaller farms having substantially higher nutritional value, advice was provided that the quality of farm food would depend on the practices used by the farmers, and would not necessarily be related to the size of the farm.

A discussion took place about provisions related to road and land dedications for pedestrian paths and the Trade and Exhibition Centre. Advice was provided that dedications for major roads would be shared by the City and CLC/Musqueam, and minor roads would be provided by CLC/Musqueam.

Anthony Knight, Lang Michener LLP, advised that he had been acting on behalf of the City during the negotiations of the PSA. In answer to questions, Mr. Knight advised that in his opinion, the agreement was beneficial to the City, and that if the purchase conditions are not met as outlined in the agreement, and the lands were not removed from the ALR, the City of Richmond would not have any legal rights pertaining to the Garden City Lands. The City could attempt to re-negotiate with the CLC and Musqueam.



Regular Council Meeting

Monday, February 25th, 2008

RES NO. ITEM

During the ensuing discussion, and in response to questions, the following was noted:

- if the agreement was unsuccessful, it was possible that the Lands could become reserve lands, in which case the Musqueam would approach the City for provisions of services to the Lands, however, municipal bylaws would not have any applicability or jurisdiction in terms of development;
- at this point in time, options for making amendments to the agreement would not be available to the City;
- the MOU and PSA do not contain mechanisms for dispute settlement;
- if the City endorsed removal of the Lands from the ALR, and the Agricultural Land Commission (ALC) didn't approve the removal, the agreement would still be deemed as not having met the requirements, and would become void; and
- reserve status is usually granted for lands that are adjacent to a reserve.

R08/4-2 2. It was moved and seconded
That Council resolve into Committee of the Whole to hear delegations on agenda items (8:22 p.m.).

CARRIED

3. Delegations from the floor on Agenda items –
Item No. 20 – The Garden City Lands – Agricultural Land Reserve Exclusion Application

Jim Wright, 8300 Osgoode Drive, urged members of Council to delay the March 11th, 2008, Public Hearing by at least three weeks, suggesting that the additional time would allow the City to obtain the best available legal advice about how to best proceed with the Garden City Lands issue.

Pat Young, 2080 Stirling Avenue, expressed concern about the changes that have occurred in the City, stating that the human foot print was a problem. Mr. Young questioned whether Richmond needed another 40,000 people, and stated that the Garden City Lands were Canadian, Richmond, and Native Lands. He felt that the citizens of Richmond were relying on information from the media, and requested members of Council to slow the process down.



Regular Council Meeting

Monday, February 25th, 2008

RES NO. ITEM

Keith Tsukishima, 1930 Eureka Ave, Port Coquitlam, Chair, Richmond Economic Advisory Committee, spoke in favour of endorsing the block application and holding a Public Hearing. He stated that the Garden City Lands were a tremendous resource for the City of Richmond, its citizens, and the Musqueam, and that the Lands would create an enormous economic benefit for many generations to follow. Mr. Tsukishima concluded by requesting that the Richmond Economic Advisory Committee be given the opportunity to review the Garden City Lands report.

Bruce Rozenhart, 11171 Barkentine Place, past Co-Chair of the Advisory Committee on the Environment, and the Economic Advisory Committee, spoke in support of the proposal, viewing it as a unique opportunity for Richmond to acquire a significant piece of land that was previously not available. He expressed consolation over the notion that the City would have control over the development of the Lands, and spoke about Richmond's potential partnership with the Musqueam nation. In conclusion, Mr. Rozenhart encouraged Council to proceed with the Public Hearing, as well as seek input from the Economic Advisory Committee.

De Whalen, 13631 Blundell Road, spoke in opposition to the proposal, presenting numerous questions related to the rationale for removing the Garden City Lands from the ALR. She requested Council to consider Richmond's needs, and encouraged others to write to Council, as well as attend the Public Hearing on March 11th, 2008. A copy of Ms. Whalen's submission is attached at Schedule 2 and forms part of these minutes.

Gordon Kibble, 11171 4th Avenue, encouraged Council not to rush into a decision, stating that the Lands are too important to the citizens of Richmond. He also indicated that the Advisory Committee on the Environment could use additional time to review the issue and provide a thorough opinion.

Item No. 12 – Housing Agreement Amendment: Income Thresholds and Item No. 20 – The Garden City Lands – Agricultural Land Reserve Exclusion Application

David Reay, #25 – 4340 Steveston Hwy, indicated that he wished to comment on two matters.



Regular Council Meeting

Monday, February 25th, 2008

RES NO. ITEM

With regard to Item No. 12, he spoke in support of increasing the maximum income thresholds, feeling it was necessary in order for the Housing Agreements to work. He spoke about the concern of longevity of tenure with tenants having to move if their income slightly exceeded the thresholds, particularly the previous bachelor suite threshold of \$20,000. Mr. Reay expressed concern about the high housing costs in Richmond, and made reference to, for example, a Vice Principal of a school, who lived outside of Richmond due to the expensive housing costs. In conclusion, Mr. Reay provided information related to Dolphin Court housing agreements, and believing that rental housing would be lost, requested that the issue be dealt with as quickly as possible.

With reference to item No. 20, Mr. Reay felt that the agricultural reports had not addressed the issue of food sustainability. He remarked that urban farming was a different type of agriculture with its own economics and system for managing the land. He felt that the application to the ALC was similar to the previous application which had been rejected, and that it was a waste of Richmond's money.

Panterlis Karaplis, 6260 Skaha Crescent, felt that threats had been put in place in case Richmond did not favour the application. He remarked that the only concrete proposal for the Lands was the Trade and Exhibition Centre, however a land dedication of 15% for the Centre bothered him. Mr. Karaplis hoped that Council would carefully consider the Garden City Lands issue.

In answer to questions, staff advised that (i) the Garden City Lands were transferred from the Federal Government on the basis that a Trade and Exhibition Centre would be put in place; (ii) the lands must be removed from the ALR prior to development; and (iii) Tourism Richmond was developing a business plan for the Trade and Exhibition Centre, however, their work in this regard would be on hold until after the ALR issue had been resolved.

Chris Browne, 10551 S.T. Edward Dr, Vice President, Board of Directors, Tourism Richmond, spoke in support of Council endorsing the exclusion from the ALR, feeling that the proposed Trade and Exhibition Centre would assist in increasing tourism. He then spoke about the proposal and its unique opportunities related to taxes, economic development, and employment.



Regular Council Meeting

Monday, February 25th, 2008

RES NO. ITEM

Shane McMillan, 7160 Shafer Avenue, spoke in opposition to the proposal, feeling that (i) the Memorandum of Understanding (MOU) would be bad for Richmond; (ii) the MOU contradicted “smart growth” and the City misled the public by stating that the proposed development of the Garden City Lands would follow the “smart growth” principles; (iii) the City’s stated purposes could be accommodated if the Lands remained in the ALR; and (iv) the ALR designation is in conformity with “smart growth”, thus the Lands should remain in the ALR.

In conclusion, Mr. McMillan stated that removing the Garden City Lands from the ALR would compromise the future of Richmond, and requested that Council take into consideration all three pillars of sustainability: (i) social sustainability; (ii) economic sustainability; and (iii) environmental sustainability.

Reference was made to correspondence received from Smart Growth BC, requesting that any reference to the term “smart growth” be removed from the Garden City Lands materials because the principles of the agreement were not in conformity with Smart Growth principles

In answer to questions, staff advised that: (i) since the correspondence from Smart Growth BC had been received very recently, staff had not had an opportunity to address it; (ii) any references made to the term “smart growth” in the City Centre Area Plan or in the definitions provided in the open house surveys were not related to any particular Smart Growth BC principle; and (iii) “smart growth” principles are fairly generic.

Staff was requested to contact Smart Growth BC and address the issue, as well as be mindful of the implications of the term “smart growth” as the general public may not have a clear understanding of what it truly means.

Information was provided that the City had received notification from the Treasury Board of Canada, indicating that the Garden City Lands would not revert back to the Federal Government if the agreement does not proceed.

With regard to concerns associated with the notification received by the City from the Treasury Board of Canada, Mr. McMillan encouraged the citizens of Richmond to contact their local federal government representative.



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Monday, February 25th, 2008

RES NO. ITEM

Grant McMillan, 7160 Shafer Ave, spoke in opposition to the proposal, expressing the view that bigger isn't necessarily better, and that people often move to smaller cities seeking city services without the negative aspects associated with a larger city. Mr. McMillan expressed concern about the availability of agricultural land for food production, and believed that land should remain in the ALR. He spoke about the legacy of Stanley Park, and stated that this Council had an opportunity to leave behind a legacy by preserving the Garden City Lands. Mr. McMillan suggested using other land which currently houses decrepit housing for densification of Richmond.

A discussion took place, and the following was noted:

- the public needs to be made aware of all material related to the Garden City Lands;
- the costs of turning the Garden City Lands into viable farming land would be much higher in comparison to other land in Richmond;

At this point, Councillor Linda Barnes left the meeting (9:27 p.m.).

- a Trade and Exhibition Center was a requirement of the Treasury Board of Canada, but would be built by Tourism Richmond;

At this point, Councillor Linda Barnes re-entered the meeting (9:31 p.m.).

- the City Centre's current population is approximately 45,000, and the growth projection is 120,000 people;
- there was no mechanism other than the current agreement to have the Garden City Lands transferred to the City.

In answer to a question, staff advised that in the past, discussions related to the transfer of the Garden City Lands had taken place with federal ministers, senior staff at the deputy minister level, the Prime Minister's Office, and with the Prime Minister.



Regular Council Meeting

Monday, February 25th, 2008

RES NO. ITEM

Carol Day, 11631 Seaharst Road, spoke in opposition to the proposal, sharing her belief that it was a waste of time, and that the ALC would not approve the exclusion of the Lands from the ALR. Ms. Day referred to the Official Community Plan, and indicated that the Garden City Lands were zoned for public open use, not density. She voiced concerns about the amount of land that has been removed from the ALR and not been replaced. Ms. Day believed that the MOU would “die” and, once it did, the CLC would be forced to draft a new MOU that would respect the ALR zoning. In conclusion, Ms. Day advised that she would be funding a trip for herself to meet with the Minister of Agriculture in Ottawa to ask for assistance to keep the Garden City Lands in the ALR.

Craig Jones, #8 –13160 Princess Street, spoke on behalf of the Board of Directors of the Richmond Chamber of Commerce in expressing support of removing the Lands from the ALR and proceeding with a Public Hearing.

Item No. 20 – The Garden City Lands – Agricultural Land Reserve Exclusion Application

Michael Wolfe, 9731 Odlin Road, spoke in opposition to the Garden City Lands proposal, and suggested that replacing the term “environmental sustainability” with the phrase “long term well being”, may provide people with a better understanding. He emphasized the importance of preservation for future generations and responsibility. Mr. Wolfe made reference to a biodiversity study which had identified species native to the Garden City Lands, including several plant species, some of which were edible, and 23 animal species, including the barn owl and blue heron. In conclusion, Mr. Wolfe offered a tour of the Garden City Lands to City Council and the citizens of Richmond, and requested that the March 11th, 2008 Public Hearing be delayed so that anyone interested could have an opportunity to tour the Lands.

Item No. 11 – Application by Iredale Group Architecture for rezoning at Cooney, Anderson and Eckersley Roads; Item No. 12 – Housing Agreement Amendment: Income Thresholds; and Item No. 20 – The Garden City Lands – Agricultural Land Reserve Exclusion Application

Peter Mitchell, 6271 Nanika Crescent, indicated that he wished to comment on three matters.



Regular Council Meeting

Monday, February 25th, 2008

RES NO. ITEM

With regard to Item No. 12, Mr. Mitchell stated that when he was the manager of 600 affordable subsidized housing units, a social worker had been provided for the tenants, and the goal was to help residents to improve themselves, increase their income and employment, move out, and become productive members of society. He felt that when someone's income does increase, they should move out and create affordable housing space for others.

With reference to Item No. 11, Mr. Mitchell indicated that: (i) the City should the advise the school district about the development even though the report stated that there were no requirements for the City to advise the school district; (ii) the trees for removal should be replaced with both coniferous and deciduous trees; (iii) the number of different housing styles were a good balance for Richmond; and (iv) design of residential recreational centres should take into consideration provisions for daycare and recycling for items such as cooking oils. He also spoke about the public accessibility to the roof podium; the absence of a green roof; and traffic problems in the area.

With regard to Item No. 20, Mr. Mitchell stated that this was not the time to make a decision about whether to proceed with the Garden City Lands. He spoke in favour of proceeding with a Public Hearing, and offering the citizens an opportunity to speak on the issue.

Arzeena Hamir, 8480 Dayton Court, spoke in opposition to the proposed Garden City Lands agreement, and asked Council not to proceed to a Public Hearing. Ms. Hamir believed that the application was weak, as it stated that the Lands were un-farmable, but listed farming as a potential use on the City's portion of the Lands. She expressed her opinion that the Agricultural Endowment Fund was not a solution, rather it was a bribe. Ms. Hamir stated that almost all soil in Richmond required liming in order to grow food, and that in her opinion, the Garden City Lands were a prime location for urban agriculture.

R08/4-3

- 4. It was moved and seconded
That Committee rise and report (10:02 p.m.).

CARRIED



Regular Council Meeting

Monday, February 25th, 2008

RES NO. ITEM

CONSIDERATION OF MATTERS REMOVED FROM THE
CONSENT AGENDA

GENERAL PURPOSES COMMITTEE –
Mayor Malcolm D. Brodie, Chair

20. THE GARDEN CITY LANDS – AGRICULTURAL LAND RESERVE
EXCLUSION APPLICATION

(Report: February 15, 2008, File No.: 4105-20-2007387179) (REDMS No. 2343964, 2343687)

R08/4-5

It was moved and seconded

That

(1) The following recommendation be forwarded to Public Hearing:

That Council endorse the “Block Application” (Attachment 1) to exclude the properties known as the “Garden City Lands” bounded by Garden City Road, Alderbridge Way, No. 4 Road and Westminster Highway from the Agricultural Land Reserve (ALR) on behalf of the Musqueam Indian Band (Musqueam), the City of Richmond and the Canada Lands Company (CLC), collectively known as “the partners”; and

(2) This report be referred to Richmond Agricultural Advisory Committee, the Advisory Committee on the Environment, and the Richmond Economic Advisory Committee for their comments and input to Council prior to the Public Hearing; and

(3) The “Block Application” be forwarded to a Public Hearing on March 11, 2008, at 7:00 p.m. in the Council Chambers at Richmond City Hall.

The question on the motion was not called, as Councillor Harold Steves gave a brief presentation about Richmond’s parkland requirements. A copy of Councillor Steves’ submission is attached at Schedule 3, and forms part of these minutes.



Regular Council Meeting

Monday, February 25th, 2008

RES NO. ITEM

The question on the motion was then called, and it was CARRIED with Councillors Barnes, S. Halsey Brandt, and Steves opposed.

PUBLIC DELEGATIONS ON NON-AGENDA ITEMS

- R08/4-6 21. It was moved and seconded
That Council resolve into Committee of the Whole to hear delegations on non-agenda items (10:44 p.m.).

CARRIED

Michael Lanier, a community Social Services worker in Ladner briefly spoke about a few of the many social and community services available to assist the community in dealing with issues such as child care; physical and emotional abuse; homelessness; job loss and training.

A brief discussion ensued about the funding cut backs and the impact on social services. Mr. Lanier advised that for each dollar not spent on social services, seven dollars would be spent on restoration or justice programs in the future.

Mr. Lanier then requested members of Council to give consideration to how many community services have touched their own lives, and thanked Council for the proclamation that stated March would be community services month.
(File No. 01-0185-04)

- R08/4-7 22. It was moved and seconded
That Committee rise and report (10:53 p.m.).

CARRIED

BYLAWS FOR ADOPTION

- R08/4-8 It was moved and seconded
That the following bylaw be adopted:

Zoning & Development Bylaw No. 5300, Amendment Bylaw No. 8128
(10020 No. 4 Road, RZ.06-328429)

CARRIED

OPPOSED: Cllrs. S. Halsey-Brandt

20.



SCHEDULE 1 TO THE MINUTES
OF THE REGULAR MEETING OF
COUNCIL HELD ON MONDAY,
FEBRUARY 25TH, 2008

City of Richmond
Planning and Development Department

Memorandum

To: Mayor & Councillors
From: Joe Erceg, MCIP
General Manager, Planning and Development
Date: February 22, 2008
File: 01-185-01/20008-Vol 01
Re: The Garden City Lands Additional Information

The following material provides an update on issues that were raised at the General Purposes Committee held on February 18, 2008, as follows:

1. Advice from Mr. Anthony Knight of Lang Michener LLP, dated February 22, 2008, and November 22, 2007, addressing a variety of issues including ownership, City risks and school site consideration.
2. Memorandum from the Senior Manager of Corporate Communications, addressing concerns that were raised regarding the Open House surveys.
3. Memorandum from the Manager, Parks – Programs, Planning & Design, responding to the open space material that was tabled at the General Purposes meeting and providing additional information regarding park needs.

In addition the following staff comments are offered in response to discussion that occurred at the General Purposes meeting:

- If Council wishes to provide greater certainty that approved Richmond uses will occur on the site, a restrictive covenant may be registered on the site. Registration of a covenant prior to subdivision would require approval of all partners. As an alternative, Council could consider a resolution to register a covenant in the future following subdivision of the site.
- Staff estimate that the development lands could house between 10,000 and 12,000 residents. This represents between 12.5% and 15% of projected City Centre growth as noted in the staff report. It is however noted that this growth is expected to occur over 10 or more years.
- It is noted that the Richmond Agricultural Advisory Committee has not concluded a position on use or administration of the Agricultural Endowment fund. RAAC discussed a variety of ways including education and research, improvement to soil to increase productivity, production technologies, buying land to add to the ALR if the opportunity arises, and so on, but the RAAC preferred not to decide on any specific projects to maintain maximum flexibility.

February 22, 2008

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If you have any further question, please do not hesitate to contact me at 604-276-4083.

A handwritten signature in cursive script, appearing to read "Joe Erceg".

Joe Erceg, MCIP
General Manager, Planning and Development

Lang Michener LLP
 LAWYERS – PATENT & TRADE MARK AGENTS
 1500 Royal Centre, 1055 West Georgia Street
 P.O. Box 11117, Vancouver, British Columbia, Canada V6E 4N7
 Telephone: (604) 689-9111
 Facsimile: (604) 685-7084

CONFIDENTIAL MEMORANDUM

To: City of Richmond Date: February 22, 2008

From: Anthony H.S. Knight File: 57467-0006
 Direct Line: (604)691-7406
 Direct Fax: (604) 893-2360
 E-Mail: tknight@mls.com

Re: Garden City Lands (the "Lands") – Memorandum of Understanding ("MOU")
 and Purchase Agreement ("PSA") – City of Richmond ("COR") and
 Musqueam Indian Band ("MIB") – Canada Lands Company CLC Limited
 ("CLC")

You have asked us to comment regarding issues arising from recent discussions about the Garden City Lands ("GCL").

1. City Risk Associated with COR not fulfilling its obligations under the MOU/PSA prior to Agricultural Land Reserve ("ALR") Exclusion.

Our previous memorandum dated November 22, 2007, (attached) deals in detail with the consequences of the City not satisfying the conditions precedent for exclusion of the Lands from the ALR. In summary, the City would have no rights to ownership of the Garden City Lands and we are not aware of any provision for reversion of the GCL to the Federal Government.

In our view, the GCL would be of greatest interest and value to the MIB as they have the legal ability to bypass the ALR through negotiations with the Province and could utilize Federal process to seek "Reserve" status, in which case the COR would not have jurisdiction regarding development of the Lands.

2. City Risk Associated with MOU/PSA following ALR Exclusion.

You have also asked us to comment on concerns that have arisen that following exclusion of the GCL from the ALR, an impasse could develop between the parties to the PSA and lead to termination of the MOU/PSA and loss of City ownership of its portion of the GCL as a result of one of the conditions in the PSA not being satisfied.

The PSA requires as a condition precedent, that an OCP Adoption be obtained within 3 years of exclusion of the GCL from the ALR.

- 2 -

While there is some City risk associated with the MOU and PSA, they reflect the reality that the City had no ownership entitlement to the GCL when it entered negotiations.

In our view, the City risk is modest and is considerably outweighed by the risk associated with the City attempting to obtain ownership of the GCL by other means, if the MOU and PSA are terminated.

The existing agreements reflect a spirit of co-operation between the parties. In the case of disagreement there are provisions for negotiation, and the option of seeking assistance to resolve a dispute through mediation.

We believe that it is in the best interests of CLC and MIB to continue to work in a co-operative manner within the MOU and PSA with the City, following exclusion. It is noted that the Lands are zoned AG-1 Agricultural District. Therefore, CLC would be unable to develop the land other than in accordance with the existing zoning, without obtaining the City's development approvals in the normal course.

While the MIB has the ability to seek "Reserve" status, this is likely to be a time consuming and controversial process. We note that servicing GCL would still have to be negotiated with the City. In view of the parties stated desire to develop their respective portions of the GCL in the short term, to realize early income, it is our view that proceeding within the MOU and PSA is their best option.

CLC and MIB have to act in good faith, as does COR, in seeking to satisfy the conditions precedent. This has negative legal consequences to CLC and MIB.

3. Can the City apply to return the GCL to the ALR without owner consent?

Under Section 17 of the Agricultural Land Commission Act, the City can make an application to the Agricultural Land Commission to have the lands designated as part of the ALR, without consent of the owners. This option could be utilized by the City, in the event that the MOU and PSA terminate following exclusion of the GCL from the ALR. While the ALC would be responsible for determining the application, we believe that the application would have considerable merit, particularly if exclusion was granted on the basis of the COR's Community Need, which could no longer be achieved.

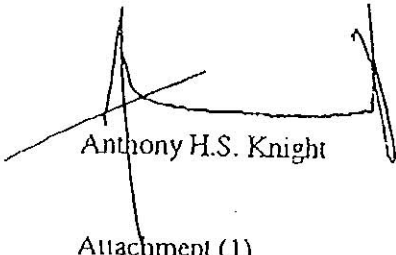
4. Provision of a School Site

There is currently a School Site Acquisition Charge (SSAC) scheme in place within the COR. The School District does not have any more specific claim to the GCL than they would to any other development site. In the event that a new school site is required, the School District must work within the SSAC scheme to raise funds for new sites. COR's staff position is that any new school-site would need to be accommodated within the development lands (i.e., within the CLC/MIB portion of the site).

5. Other comments.

- a. The City has no inherent right to ownership of the GCL and there is no requirement for return of the Lands to the Federal Government. Therefore, we believe that the City is unlikely to be successful in establishing ownership of the GCL, in the absence of the MOU and PSA.
- b. We understand that it has been suggested that COR should terminate the MOU and PSA and negotiate purchase of the Garden City Lands from CLC and MIB. Under this scenario, COR would have to negotiate with CLC and MIB well after the existing spirit of co-operation and goodwill has been severed. We believe CLC's and/or MIB's expectations might increase and these factors would reduce the likelihood of a new agreement. We also reiterate our earlier view that in such a situation, the Lands would be of greatest interest and value to the MIB for reasons noted previously who accordingly would be far less likely to wish to renegotiate anything with COR.

We would be pleased to discuss this memorandum with you further.



Anthony H.S. Knight

Attachment (1)

Lang Michener LLP
LAWYERS - PATENT & TRADE MARK AGENTS
1500 Royal Centre, 1055 West Georgia Street
P.O. Box 11117, Vancouver, British Columbia, Canada V6E 4N7
Telephone: (604) 689-9111
Facsimile: (604) 685-7084

CONFIDENTIAL MEMORANDUM

TO: George Duncan

FROM: Anthony H.S. Knight
Direct Line: (604) 691-7406
Direct Fax: (604) 893-2360
E-Mail: tknight@lmls.com

DATE: November 22, 2007

FILE NO. 57467-0006

RE: ~~Garden City Lands~~ (the "Lands") - Memorandum of Understanding ("MOU") and Purchase Agreement ("PSA") - City of Richmond ("COR") and Musqueam Indian Band ("MIB") - Canada Lands Company CLC Limited ("CLC")

What follows is a summary of certain matters arising under the MOU and PSA.

1. Can COR approach CLC with a request it sell the Lands to COR for \$10,000,000?

Unless factual matters have changed without notice to us, CLC on its own behalf and MIB through a Limited Partnership continue to be owners each as to an undivided 50% interest in the Lands. CLC holds the 50% interest of MIB in trust for MIB.

Any approach in this regard to sell the Lands would require the agreement of both CLC and MIB.

We expect it is unlikely any sale would be considered by CLC and MIB until it is definitively determined whether the Lands will be removed from the ALR. If the Lands are removed from the ALR, we expect the value of the Lands will rise dramatically.

If it is determined that the Lands will not be removed from the ALR, it is entirely possible that at that time CLC could sell the lands to MIB as we understand that CLC's mandate is to develop land and not hold it long term for investment. This is not an unrealistic scenario as we understand that MIB has recently indicated a willingness to acquire CLC's interest in the Lands.

2. Can COR abandon the application to remove the Lands from the ALR?

Under Section 4.1 of the PSA, it was a condition precedent that COR Council resolve to recommend to the ALC that the Lands be removed from the ALR. This condition precedent was satisfied in connection with the first application to the ALC by CLC, but because there is a new application by COR to the ALC, COR Council must reconsider and resolve to make a recommendation to the ALC. If COR Council does not make this recommendation, the PSA is terminated.

Under Section 4.2 of the PSA, it is a condition precedent that the Lands be released from the ALR.

This condition precedent has not been satisfied.

Section 4.6(a) of the PSA provides that each of CLC and the City will be entitled, by written notice to all other parties to the PSA, to extend from time to time the date for satisfaction of this condition precedent for 1 or more periods of time which will not exceed 2 years in the aggregate.

This period has been extended by the parties for 1 year expiring December 31, 2007 and can be unilaterally extended by either CLC or COR until December 31, 2008 without the consent of any other party to the PSA.

In our view, COR does not have the legal ability to withdraw its recommendation to remove the Lands from the ALR while the process for satisfaction of this condition precedent is still ongoing.

Pursuant to Section 3.2, COR is required to employ commercial reasonable efforts to expedite and complete the development approval process (part of which was the Council recommendation), and in our view, if COR were to withdraw the recommendation, this could expose COR to allegations of bad faith and a claim for a breach of contract.

If this condition is not satisfied by December 31, 2007 or, if extended to December 31, 2008 and not satisfied, the PSA is at an end.

3. What happens to the MOU if the PSA terminates as a result of the non-satisfaction of the condition precedent regarding the release of the Lands from the ALR?

As a general principal of law, unless the parties otherwise specify, a memorandum of understanding or letter of intent "merges" in the subsequent purchase contract. It is, in effect, superseded and no longer exists unless the parties otherwise specify.

Section 4.6(c) of the PSA provides only Sections 1(22), 1(23) and 2(1) of the MOU continue to be binding on the parties.

Sections 1(22) and 1(23) provide that if certain events do not occur after the Lands are removed from the ALR which are rezoning, increased FAR or approval of OCP amendment, the parties are to meet to renegotiate to give effect to the spirit of the MOU and Section 2(1) provides for a mediation option should the parties reach an impasse.

In our view, the obligation to renegotiate under these Sections only arises where the City has refused to act in rezoning, increasing the FAR or approving the OCP.

Where the PSA is terminated as a result of the failure to have the Lands removed from the ALR because of the actions of the ALC, Sections 1(22) and 1(23) are not relevant and the MOU is expired.

We do not, at this point, have an opinion how a court would decide this issue if there was ever a challenge of this interpretation.

The MOU is drafted in such a way that there are different interpretations possible.

4. Additional Comments

(a) If the PSA is terminated and the MOU has expired:

(i) COR has no interest in the Lands and no right to claim any interest in the Lands, including the right to use the Lands for community uses without the agreement of the owner(s) of the Lands;

(ii) we do not know what course of action MIB will take in the future with respect to the Lands, but MIB has indicated it will assert an interest in the Lands through any remedy available to it; and

(iii) pursuant to the PSA, there is a No Development Covenant registered against title to the Lands. It provides that there is to be no development of the Lands unless COR is assured of its 50% interest of the Lands. If the PSA terminated as a result of COR Council's failure to recommend to the ALC that the Lands be removed from the ALR, this Covenant must be discharged from title to the Lands pursuant to the PSA.

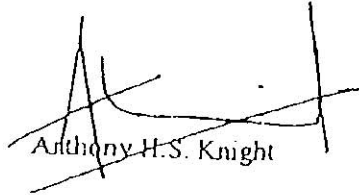
(iv) with respect to MIB:

(A) MIB might acquire the Lands from CLC (see our comments in paragraph 1 above).

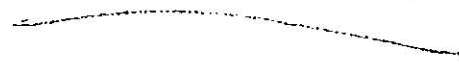
(B) we are aware of a general desire of aboriginal groups to have land they have acquired included in their reserves, and there is a Federal process to accomplish this. If Lands were to attain reserve status, COR would have no jurisdiction regarding development of the Lands.

(C) If MIB were to acquire all of the Lands, they could negotiate with the Province to have the Lands removed from the ALR. We expect MIB has a greater chance of doing this than COR.

We would be please to discuss this memorandum with you further



Anthony H.S. Knight





To: Mayor and Councillors, TAG
From: Ted Townsend
Senior Manager, Corporate Communications
Date: February 21, 2008
File: 01-0185-01/2008-Vol 01
Re: Garden City Lands public consultation

This memo is to respond to questions that have been raised about the recent Garden City Lands public consultation and the feedback form at General Purposes and Planning Committee by members of the public and/or Councillors, including the letter tabled by Coun. Steves commenting on the process.

This process was an added public consultation activity conducted by the partners as an enhancement to the statutorily-required, formal Public Hearing, which will be conducted by the City under all legislated municipal standards.

As directed by Council, the public consultation process was conducted and funded jointly by the three partners to the Garden City Lands agreement. All materials used were collaboratively developed by the partners.

The materials, including the feedback form, were focussed on the terms of the existing agreement between the three partners and the proposed future uses of the lands as stipulated in the agreement and, in the case of the City portion of the lands, as further defined by the recommendations approved by Council on December 17, 2007.

In addition to information boards and printed materials developed and printed feedback form developed for use at the four public open houses and various information displays, a Garden City Lands page was developed on the City's website, within the Planning and Development section. In order to make this page easier to access, a shortcut link to this page was specially created (www.richmond.ca/gardencitylands) which was featured in all advertising and publicity. This webpage will continued to be updated as new information becomes available, including all related reports to Council, with a link to it from the home page.

During the recent consultation process, the webpage included an online version of the feedback form. The City's feedback form software provides an option to require that certain fields be completed in order for the form to be accepted. Initially, a decision was made to make all fields, with the exception of those seeking personal information, to be required fields. This was simply intended as a mechanism for encouraging respondents to be thorough in completing the form.

The form became live on Feb. 8 the first day of the public open houses. On Saturday, February 9, a complaint was received from an open house attendee, who objected to the requirement to complete all fields arguing that it forced respondents to choose from a list of pre-selected answers that they

would not have otherwise chosen. The City agreed to remove this requirement at the first opportunity. This was done shortly after the beginning of business on Monday, Feb. 11 which was the first time website staff were available to make the change.

The primary concerns expressed were with Questions 4 and 5 of the survey, where respondents were asked to choose from a list of pre-selected answers, which some respondents felt did not provide them with adequate options. However, in both cases, respondents had the opportunity to select "Other" as an option and stipulate any answer of their choice. As well, all of the survey questions provided respondents space for written comments allowing respondents ample opportunity to clearly express their opinions, regardless of the wording of the questions or answers.

In addition to the online feedback form, printed forms were made available at the open houses and information displays and people were able to complete those forms and return in person, by fax or mail by Feb. 15.

Those who filled out printed copies of the feedback form were not restricted in anyway in choosing which questions to answer or how to answer. Of the 129 submitted forms received during the consultation process, 23 were completed online. Of those 23, six were completed during the period in which the field requirements were in place.

In response to a specific concern raised by Coun. Steves, as with all survey form respondents, whether written or online, and in fact identification provided by speakers at public meetings, the City relies on the good faith of participants in providing accurate personal information.

An additional concern has been raised in regard to the use of the term "Smart Growth" in question 6. The "Smart Growth principles" referred to in this question are taken directly from the City Centre Area Plan as endorsed by Council: which are (as cited in the actual question) building a complete community; building green, building economic vitality and fostering a legacy.

The partners are presently preparing a report that will summarize both the selected answers and written comments to the feedback form, which will be provided to Council. In addition, all completed forms and any additional written feedback received during the initial public consultation will be forwarded to be part of the Public Hearing record.

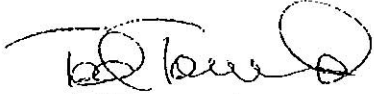
This phase of the public consultation is now complete. The feedback form has been removed from the website. All further public input will be channelled through the Clerk's Department to become part of the Public Hearing record as per normal procedures.

On a final issue of concern, the City's current policy is that public consultation activities are generally conducted in English and materials are primarily published in English. The most recent Census results show that in excess of 85 per cent of Richmond's residents consider themselves conversationally functional in English. However, where possible, efforts are made to accommodate non-English speakers. In the case of the Garden City Lands consultation, it was anticipated that a greater proportion of Chinese speakers would attend the Aberdeen Centre Open House on February 11. As a result, a Chinese language translation of the information board content was made available at that open house and a professional Chinese interpreter was also hired to provide assistance to

February 20, 2008

- 3 -

those public who required it. This issue, along with other aspects of the City's public consultation practises is currently under review as per a referral from Planning Committee.

A handwritten signature in black ink, appearing to read "Ted Townsend". The signature is fluid and cursive, with a large loop at the end.

Ted Townsend
Senior Manager, Corporate Communications

TT:tt



To: Mayor & Councillors
From: Mike Redpath
Manager, Parks - Programs, Planning & Design
Date: February 21, 2008
File: 06-2345-00/Vol 01
Re: Clarification of Parks and Open Space Planning Needs for the City Centre

The purpose of this memo is to provide clarification on the information circulated at the Monday February 18, 2008 General Purposes Committee Meeting regarding the Fact Sheet (Attachment 1) distributed to Council quoting the "2002 Current Reality" document, a background document attachment to the Parks, Recreation & Cultural Services Master Plan.

The document circulated to Committee contained information prepared by a consultant in 2002/03, three years prior to approval of the PRCS Master Plan. This summary proposed that in the year 2021, with a population of 212,000 projected for the City, that Richmond would require 2120 acres of park land based on an assumption of 10 acres per 1000 residents in the future.

Approval of the PRCS Master Plan changed this assumption, and established the following direction which is detailed in Section 7.0, *City Centre Acquisition and Development Policy*:

"To develop a new standard for open space for City Centre. In City Centre, given high land costs, a new development standard for open space is required. The standard calculation of 7.66 acres per 1000 residents will still be applied to developments to maintain the overall City goal of adequate parkland for all residents.

The City will set a target to acquire and physically develop a minimum of 3.25 acres of land per 1000 residents in City Centre due to the high cost and unavailability of land. While there may be less land the focus will be on creating unique and vibrant urban spaces of the highest quality (PRCS Master Plan 2005)."

Current City Centre Parks and Open Space Planning

Quantity + Distribution of open spaces = a complete parks system. With enough open space, equitable distribution is possible. The PRCS Master Plan initiated a standard for open space for City Centre. The standard provides enough parkland for the equitable distribution of each park type providing a level of service similar to that currently enjoyed in neighbourhoods outside of the City Centre.

While the city-wide population projections for the future 2031 OCP update are not yet available, detailed projections have been made for the City Centre and form the basis for the CCAP review.

The recent 2007 population analysis prepared as the basis for Richmond's City Centre growth projects a 'build out' population of 120,000 for the City Centre guiding the CCAP review. Examination of the City Centre open space requirements is detailed below:

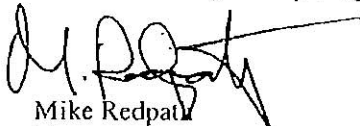
City Centre Parks & Open Space

Population	Current 40,000	Year 2031 90,000	Build-out 120,000
Quantity of Open Space	189 acres	292.5 acres	390 acres
Ratio of Acreage to Population	4.75/1000	3.25/1000	3.25/1000
Quantity of Additional Open Space	0	103.5 acres	201 acres

City Wide Parks and Open Space Planning:

- The City-wide provision of parks and open space is not a reduction of open space, the 7.66 acre/1000 residents reflects the existing ratio of population to park acreage, maintaining the status-quo as population increases.
- A challenge to maintaining this standard city-wide is the sale of school/park sites that are presently included in the calculation of open space.
- Today the city-wide park inventory is 1427 acres, which represents an allocation of 7.66 acres per 1000 residents, the standard is presently met with our current park inventory.
- Current land acquisition opportunities identified in the Parkland Acquisition program to meet future growth, based on the current OCP are set at 196 acres looking out to the year 2021, this is inclusive of projected City Centre growth up to the year 2021.
- The City's proposed 50% share of the Garden City Lands, or 68 acres, would satisfy 32% of the total new open space required in City Centre
- The process of reviewing the parks and open space acquisition program outside of the city centre is now underway with the current revision of the OCP looking out to the year 2031.

Future planning for parks and open space that is owned by the City is governed by community values and is not subject to the instabilities of the marketplace or the interests of private land owners. Parks and open spaces are long-term investments that produce continually increasing benefits for future generations. The amount, type, and distribution of parks and open space needed to sustain livability, as well as the economic reality of acquiring the lands are primary determining factors that shape the open space system.



Mike Redpat
Manager, Parks - Programs, Planning & Design
Att. 1

pc: Joe Erceg, MCIP, General Manager, Planning and Development
Cathryn Volkering Carlile, General Manager - Parks, Recreation & Cultural Services
Dave Semple, Director of Parks and Public Works Operations
Cecilia Achiam, MCIP, BCSLA, Senior Coordinator, Major Projects & Development Applications
Ted Townsend Senior Manager, Corporate Communications

GARDEN CITY LANDS PARK NEEDS FACT SHEET NO.1
Harold Steves, BscAg,
City Councillor, Richmond

The Richmond Parks Recreation and Cultural Services Master Plan states that we presently have a shortfall of 155.4 acres of parkland in Richmond but we will need an additional 676 acres of parkland by 2021 for a population of 212,000 people, just 13 years from now. That is the parkland needed for 40,000 more people but not for 120,000 more people that is proposed.

A look at the Parkland Allocation graph shows that actually 2,120 acres minus 1,288 acres equals 831 additional acres that are required over what is parkland today.

There are only three large acreages in urban Richmond that are available to make up that park deficit, the Garden City Lands, DND Lands and the Quilchena Golf Course. All three together they would compensate for one-half of Richmond's park needs by 2021. As there is no other acreage available all additional parkland will have to be acquired by purchasing, demolishing and rehabilitating older home to parkland at a cost of \$2.5 million for purchase only.

Whether or not the land is removed from the ALR, owned by the City, Crown, or Musqueam, the City should be reserving the entire Garden City Lands site for future park use. At present the agricultural value of the property is under \$100,000 per acre. Once it is out of the ALR it's value increases to over \$2 million per acre.

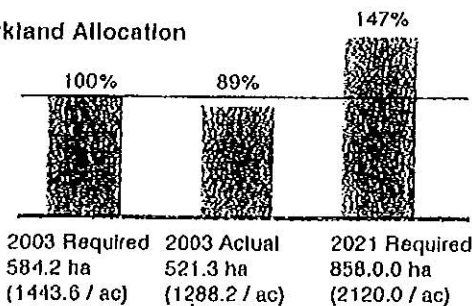
d - Parks, Recreation and Cultural Services Master Plan:

Overall

Facility Quick Facts:

- Total inventory of buildings in current replacement dollars is \$127,347,000 (incl. Riverport facilities and new Cambie Library)
- Lifecycle upgrades estimated in current dollars at \$13,558,100 or 89% average building life remaining
- Current parkland allocation shortfall of 155.4 acres (62.9 hectares) will increase to a shortfall in 2021 of 676 acres (273 hectares), roughly ten times the area of the existing Minoru Precinct

Parkland Allocation

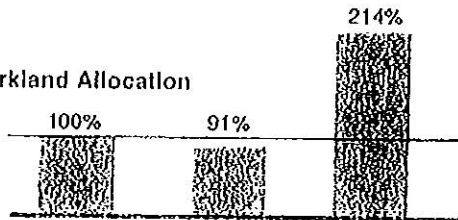


City Centre

Facility Quick Facts:

- Brighthouse Library and Cultural Centre built 1992; value \$15.1 million, \$1.4 million in upgrades
- Gateway Theatre built 1984; value \$6.8 million, upgrades \$900,000
- Minoru Chapel built 1891
- Minoru Seniors Activity Centre built 1986; valued at \$2.35 million, upgrades \$854,000
- Centennial and Minoru Pools, built 1958 and 1977
- Minoru Arenas built 1965
- Minoru Sport Pavilion built 1964, valued at \$1.17 million; upgrades \$268,000;
- Minoru Grandstand built 1974

Parkland Allocation



2003 Required	2003 Actual	2021 Required
75.8 ha	69.3 ha	162.2 ha
(187.3 / ac)	(173 / ac)	(400.7 / ac)

Link

SCHEDULE 2 TO THE MINUTES
OF THE REGULAR MEETING OF
COUNCIL HELD ON MONDAY,
FEBRUARY 25TH, 2008

I, Deirdre Whalen reside at 13631 Blundell Road, Richmond. I have lived in Richmond since 1975.

Thank you for the opportunity to speak to you again about the Garden City Lands. Thanks also for the questions you posed to me last week at the General Purposes committee. I've had some time to think them over.

I am speaking this evening to encourage the Mayor and Council to re-think the application to remove the Garden City Lands (GCL) from the Agricultural Land Reserve (ALR). I oppose the application by responding to these questions.

1. What are Richmond's needs? A city bases its needs on the public good. Mayor Brodie put it best when he said "What we're looking for is not a developed area. What we're looking for is an open space, green space, environmental use, for the use and enjoyment of all people in our city and certainly the people of the city centre."

- Keeping the GCL in the ALR ensures all Richmond's needs are covered

2. What are the permitted uses in the ALR? They include test plots, urban agriculture, community gardens, experimental farms for education, walking trails, playing fields, water reservoirs and open space for indigenous plants and animals.

- Securing land for food production, open space and green space is a worthy goal

3. In a compact urban core, what is necessary for livability? I believe planners would agree with me - the preservation of **public green space** is essential to livability. But the problem is, most of the land in our urban core is privately owned.

- GCL is special because it has always been publicly owned
- We would not have to deny a private owner the honest value to amass green space
- This land belongs to the public
- If there is a will, we can find a way to keep it public

4. What are we fearful of? Losing the MOU? In my view the City is acting in haste and the MOU is outdated. It is stuck in the old way of thinking that developing land is always a good thing. The MOU puts the onus on Richmond to develop more land in the urban core than our official community plan (OCP) requires. How is this good for us?

- According to the OCP, the GCL were not used in growth projections
- OCP also says we are short 100's of acres of parkland – why not use the GCL
- Nothing in the MOU resolves the shortage of park space in the city core
- If the GCL is developed, where do we find more park space? At residential prices - millions of dollars per acre?
- If the GCL is developed, mustn't we buy land for schools? At residential prices?

5. **What about the Musqueam?** The MOU also makes us fearful that the Musqueam will take all of the land if we don't proceed. But so far, successful land claims have only been on land that is adjacent to reserve land. The GCL is not contiguous with reserve land. So why should we fear we will lose the GCL in this way?

- Musqueam were successful gaining the Musqueam golf course and River Rock which are adjacent to their reserve
- The MOU would give the Musqueam land they could otherwise not lay claim to

I conclusion, I believe there is another way.

- Richmond needs to preserve open space, green space
- The GCL is public land and always has been
- The MOU is not a good thing for Richmond
- There is nothing to fear by canceling the MOU

I would ask you. Must we trade off our children's future? Many of our immigrants came to Richmond to get away from just the kind of city this MOU wants to create. They came here for a better life for their kids. We deserve more green space.

I encourage everyone watching here tonight to write a letter - you can make a difference! And come to the Public Hearing on March 11th - get involved and you will be heard.

Thank you.

De Whalen

H 604.273.6159

C 604.273.6159

GARDEN CITY LANDS FACT SHEET NO.1 – PARK NEEDS

Harold Steves, BScAg, City Councillor, Richmond

OVERALL PARK PLAN:

The Richmond Parks, Recreation and Cultural Services Master Plan states that we presently have a shortfall of 155.4 acres of parkland in Richmond but we will need an additional 676 acres of parkland by 2021 for a population of 212,000 people, just 13 years from now. That is the parkland needed for 40,000 more people but not for 120,000 more people that is proposed. A look at the Parkland Allocation graph shows that actually 2,120 acres minus 1,288 acres equals 831 additional acres that are required over what is parkland today.

Richmond Council voted 8 to 1 to reduce Richmond's longstanding park requirement from 10 acres/1,000 people to 7.66 acres/1,000 people overall and 3.25 acres/1,000 in the City Centre. Without adding any parkland Richmond Council arbitrarily reduced Richmond's park needs from 831 acres to 196 acres. Whether it is 831, or 676, or 196 acres needed by 2021 there are only three large acreages of urban land in Richmond that are available, the Garden City Lands, DND Lands and Quilchena Golf Course. Any other parkland will have to be acquired by purchasing, and demolishing and older homes to create parkland at a purchase price of \$2.5 to \$6.5 million/acre. Whether or not the land is removed from the ALR, owned by the City, Crown, or Musqueam, the City should be reserving the entire Garden City Lands site for future park use. At present agricultural land is worth \$100,000/acre for large acreages and \$1.9 million for small acreages. Once the Garden City Land is out of the ALR it's value increases to between \$2 million and \$6.5 million/acre.

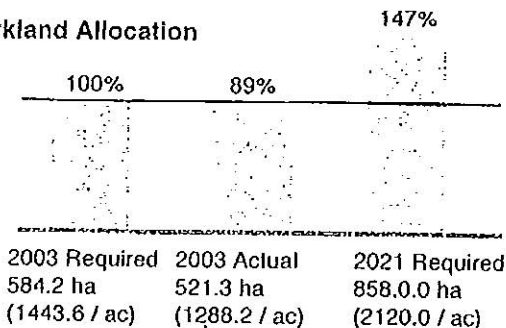
d. Parks, Recreation and Cultural Services Master Plan

Overall

Facility Quick Facts:

- Total inventory of buildings in current replacement dollars is \$127,347,000 (incl. Riverport facilities and new Cambie Library)
- Lifecycle upgrades estimated in current dollars at \$13,558,100 or 89% average building life remaining
- Current parkland allocation shortfall of 155.4 acres (62.9 hectares) will increase to a shortfall in 2021 of 676 acres (273 hectares), roughly ten times the area of the existing Minoru Precinct

Parkland Allocation



CITY CENTRE PARK PLAN:

The park requirement for the City Centre in the Richmond Parks, Recreation and Cultural Services Master Plan is 400.7 acres by 2021. That's a shortfall of 229.4 acres needed in the city Centre by 2021. Since the Master Plan was prepared Richmond has acquired enough parkland for the present population with a total of 189 acres, slightly over the 2003 requirement of 187.3 acres.

By arbitrarily reducing Richmond's park needs in the City Centre by 67.5% to 3.25 acres /1000 people, Richmond Council created an artificial 59 acre surplus with a ratio of 4.75 acres/1,000 people in the City Centre. As a total of 260 acres is required in the city Centre for 80,000 more people an additional 201 acres must still be acquired (260 – 59). Population growth in the City Centre still requires 7.66 acres/1,000 people for Overall Park needs. At present the Garden City Lands are part of rural Richmond not the City Centre. By retaining 100% of the 136 acre Garden City parcel there will still be a 30 to 50 acre shortfall of Overall Park required by 2021 to compensate for City Centre growth.

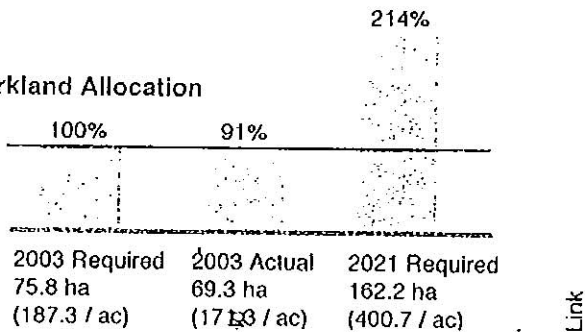
Richmond Parks, Recreation and Cultural Services Master Plan

City Centre

Facility Quick Facts:

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Parkland Allocation

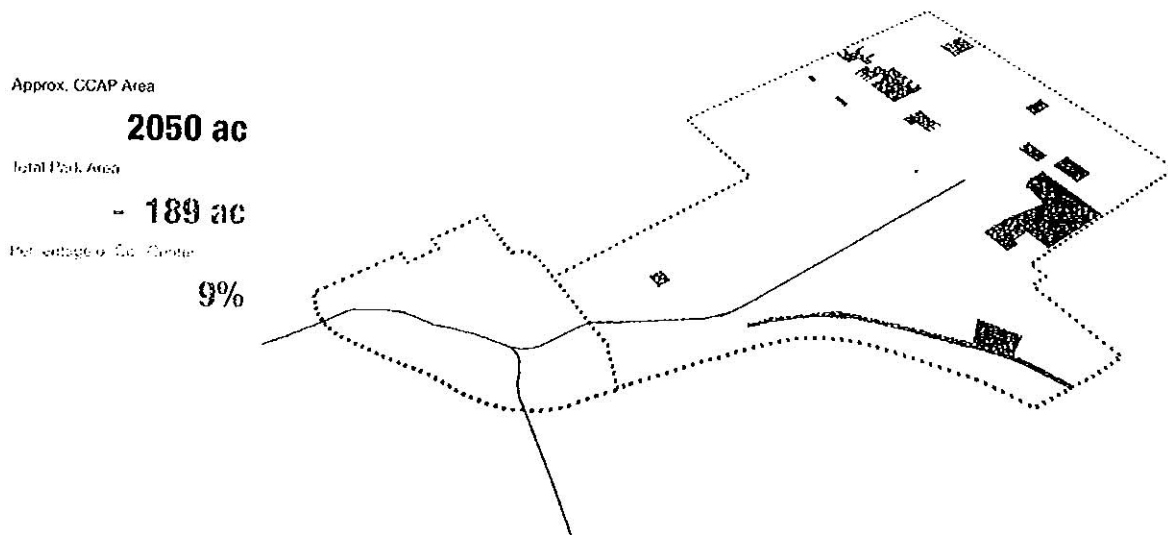


CITY CENTRE PARKS TODAY

The main parks in the city Centre today are Minoru park, the Olympic oval and several school sites. While in previous decades the dyke was not considered part of the 10 acres/1,000 people ratio today the dyke is included as part of the 3.25 acre ratio. Presently there is 189 acres of park, including schools in the City Centre area.

Infrastructure

Existing Parks



MORE FARMLAND LOST

Both residential and industrial land is being considered for park purposes. Industrial land is cheaper. If Richmond purchases industrial land for park purposes it will reduce the amount of industrial land in Richmond and in the region. That threatens the stability of the ALR. Already industrial land developers are demanding that the Agricultural Land Reserve be opened up to allow industrial expansion onto farmland. For every acre of industrial land lost there will be pressures to convert an equivalent amount of ALR land to industry somewhere else in the region. In the Parks Acquisition Programme staff are recommending major acquisition of industrial lands. While the CCAP Open House report states "The specific location of parks and proposed streets are subject to further planning rezoning and financing discussion", **22 acres of industrially zoned riverfront is shown as potential park. That represents a 22 acre loss of industrial land with a potential for future attempts to replace it elsewhere with 22 acres of ALR land. As the City already rezoned similar industrial land nearby to high density residential to finance the Oval a very high price threshold has been set and the land could be very costly. Before the City approves the Garden City Lands deal the full cost per acre of replacement land in the Parkland Acquisition Programme should be made public. Costs of \$2 to \$4 million more per acre than the value of land in the ALR could add \$300 to \$600 million to the cost of buying parkland in the City Centre and a massive increase in DCC's to the legitimate developers of City Centre land.**

GARDEN CITY LANDS FACT SHEET NO. 2

Harold Steves, BScAg,
City Councillor, Richmond.

A number of sports groups are supporting the ALR exclusion of the Garden City Lands in the hopes of acquiring much of the City 48 acres for sports. However, they already promised to relinquish 40 acres of potential and existing playing fields, including the Garden City Lands, in exchange for 4 Artificial Turf (AT) fields costing \$6 million.

Roger Barnes made a written presentation to the Parks and Recreation committee on June 28, 2005 on behalf of 13 Richmond Soccer Associations and presumably the Sports Council. His written report is part of the minutes of that meeting and can be found on the City web site under "City Hall"; Parks, Recreation and Cultural Services committee" "agendas and minutes, June 28, 2005"

page 10:

"The Richmond Soccer community proposes that it be allowed significantly fewer fields than the current allotment but that these fields be much better suited to its needs. This proposal will meet projected needs up to 2010, by which time we hope a new recreation and tournament facility, possibly located at the DFO site, would add to facilities and help meet future growth."

"A 'Training Centre' of four new Artificial Turf (AT) fields is required..." and 13 reasons are given.

page 11:

"7. Soccer to give up approximately 50 of the 100 grass fields currently prepared for it, i.e., 40 acres of parkland. See the attached list, included as an example only. Some would be kept as soccer fields for informal use. Half of these are School Board fields but about 20 are City-owned fields. These could be decommissioned as sports fields and adapted to suit other leisure activities, including passive uses for which there is increasing community demand. These fields are located throughout Richmond, resulting in community wide benefit. (see map)

page 12:

"D. Location and Facility"

"A four-field training site will require about eight acres of playing surface, ten acres in total. While playing surfaces are the top priority, a changing room/washroom/support facility would be desirable."

"At this stage of the proposal, the soccer community is focussed on the concept of the new facility, not any specific location. The centre would ideally be at one site, or at most two sites, to allow cost efficiencies and optimal training capabilities. A number of locations may be suitable including the DFO lands, South Arm and Hugh Boyd.. We expect that the selection of the optimum location will depend on park space and building costs and achieving consistency with the needs of other sports groups and with other community park users and stakeholders."

"E. Costs"

"Each new AT field with lights would cost approximately \$1.5 million. Building four fields plus a support building would cost approx. \$6 million."
pages 14 and 15:

"Appendix:" and Map

"Richmond Soccer Fields: Possible Release List" ... Example Only

One of the 47 properties on the Possible Release List was listed as "MOT 1 (Federal)"

On the accompanying map "MOT 1 (Federal)" was located on the Garden City Lands at Westminster Highway and Garden City Road.

NOTE: The Soccer groups got their artificial turf fields as promised. The field house once promised to the Sports Council when Richmond applied for both the Canada Games and the Commonwealth Games is presently under construction at the OVAL. It is about 5 times as big and over 10 times as costly as the field house building previously anticipated.

If all of the Garden City Lands was saved for park, trails, open space, school site, Kwantlen University experimental gardens, urban agriculture, water reservoir and playing fields more land would be available for playing fields than if only 48 acres is available.

GARDEN CITY LANDS FACT SHEET NO. 3

Harold Steves, BScAg,
City Councillor Richmond

Will wonders never cease! Six Mile Ranch, Terra Nova and the Garden City Lands are all part of the ALR removal process promoted by members of the Garden City Lands team. This has serious regional and provincial implications.

Randy Fazan was the lead consultant for the removal of Terra Nova from the ALR and development of the Terra Nova Lands. Now he heads the Canada Lands Corporation. Talisman Land Resources Consultants prepared the anti-agriculture argument for the Terra Nova development. They were also the agricultural consultants for removal of Six Mile Ranch from the ALR. These were two of the greatest incursions of development into the ALR in BC since the ALR was established in 1973.

Times have changed since Terra Nova as people have become concerned about climate change, population growth, and urban sprawl vs smart growth and where we will get our food from. However, the Talisman report from Terra Nova and the Garden City Report say the same things.

Dan Schroeter, author of the agricultural section, of the Garden City Lands report is a former Talisman consultant. He is a member of the BC Institute of Agrologists. This is online and all available to the public.

BC born with a farm background, I completed a degree in Resource Economics at UBC before seeing the light and doing a Master's degree in Agricultural Economics. Fine organization that it is, the BCIA initially balked at my lack of an undergrad degree in Agriculture. Lucky for me, no less than Sig Petersen, Deputy Minister of Agriculture at the time, went to bat for me and I was admitted to the Institute. I've been a member of BCIA since 1977, receiving my P.Ag. in 1978. Thanks, Sig, wherever you are.

Returning in 1976 from a three-year stint on a Canadian agricultural development project in Nigeria, I formed Talisman Land Resource Consultants, together with BCIA member Paul Christie. Hanging out our shingle for Canadian aid projects in the Third World, we waited - in vain - for the contracts to roll in. Starvation not being an attractive option, we looked around and, somewhat to our surprise, found a ready market in BC for our agricultural expertise. We quickly grew Talisman into the largest agricultural consulting company in the province.

We worked for a diverse clientele, including the provincial and federal ministries of agriculture, as well as a variety of other resource and economic ministries with an interest in agricultural resources. We did sectoral and program studies, feasibility studies, cost-benefit analyses of countless ARDSA projects, as well as inventory and mapping projects involving hundreds of thousands of square kilometers of the province, including pretty much all of BC's ALR lands.

We also did a lot of work for public and private agencies with development projects that would inflict some damage on BC farms and ranches. We worked for agencies like BC Hydro on generation and transmission projects, and the Ministry of Transportation and Highways on the numerous new highways that were built through the 1980s and 1990s. Because of BC's physical constraints, these projects often posed difficulties for the farms and ranches they regularly encountered. This early environmental work consisted mostly of providing EIA report

cards, usually unflattering, for designs that were already cast in stone at the point that we were hired. But gradually the development agencies got smarter, and we, and other environmental consultants, were employed by them as an integral part of the design process.

These jobs led into my first forays into litigation support work. Initially this work flowed from BC Hydro or MoTH expropriations of agricultural lands for their projects. The work involved analysis of the ongoing consequences of these projects for working farms and ranches intercepted by these linear developments. Associated with these files was property negotiation and dispute resolution work and, as a final resort, expert witness testimony in front of the appropriate judicial body. From this work, it was an easy jump to litigation support work on other disputes or claims involving agricultural operations or resources – resource/crop damage claims, family compensation claims arising from the injury/death of a farm operator, zoning disputes and ALR applications, as well as a variety of other land and water disputes.

Somewhere along the line, the foreign aid projects that we had long since given up on came looking for us, and we happily got involved in several. Over the past 30 years, I've worked on agricultural and resource development projects in Bangladesh, Honduras, Malaysia, Nigeria, Saint Lucia, Sri Lanka, and Turkey. My professional input usually centered on project or agricultural economics but increasingly I became involved in project leadership or oversight roles.

I left Talisman in 1997 to trade the stress of managing employees for the stress of having no support in a one-man consulting business. But I'm having fun and trying to pick and choose my work with a view to getting involved in new and appealing projects. Got something interesting that might benefit from my expertise and background? – I invite you to give me a call.

Education

M.Sc. Agricultural Economics University of British Columbia 1973

B.A. Economics University of British Columbia 1971

Employment

President Dan Schroeter Consulting Inc.

Since: 1997-04-01

Address

410 - 1639 W 2nd Ave.

Dan Schroeter Consulting Inc.

Vancouver BC

V6J 1H3

Societies

Association of Professional Economists of BC

Since: 1977-04-05

Canadian Association of Business Economists

Since: 1977-04-05

BC Expropriation Association

Since: 1992-05-11

Expertise

Environmental Impact Assessment

- Agricultural Specialist

Assessment and environmental design of large-scale public and private developments impacting or involving agricultural resources and use: highways, transmission lines, railways, pipelines, subdivisions, golf courses etc.

Agricultural Economics / Resource Economics / Economics
- Forensic Agrology & Litigation Support

Forensic investigation and analysis related to applications, claims and disputes involving agricultural/rural operations or resources including: expropriation compensation claims, resource and crop damage claims, family compensation claims involving the death or injury of an operator, aboriginal land claims, land zoning disputes, ALR applications, and other land and water disputes.

Agricultural Development
- Third World Agriculture

Project economics, agricultural economics, and project management for multi-disciplinary project teams investigating, designing or implementing agricultural development projects in the Third World. Over 5 years of total experience working in Third World settings, including projects in Africa, South Asia, the Middle East, the Caribbean, and Central America. Currently will only consider short-term postings.

Clearly Schroeders' work and his conclusions, by his own admission, have been parts of other applications to remove land from the ALR throughout the Province of BC.

The Garden City Lands report shows a limited understanding of the "community need" for urban agriculture within the broader context of "the future of food". The report only mentions "community allotment gardens", which is a limited perspective. The overall report is contradictory, first claiming the land has never been farmed and can't be farmed, then claiming that the 48 acres can be farmed if they get their rezoning. Costs for drainage and installing irrigation ignore the fact that it is a major benefit to the city to have a second water reservoir to control drainage from the urban core. This will provide drainage and gravity irrigation. What is needed after all of that expense is land to irrigate.

In the attachments of the City staff report there is a letter from the ALC dated Feb. 6th stating that the application has to indicate that there is "no reasonable alternatives to the use of land". The Land Commission and their staff have already determined that the land is good for farming and it can be farmed. Further, Mayor Brodie, staff and some Councillors met with the BC Agriculture Minister Pat Bell at the UBCM convention for support in removing the Garden City Lands from the ALR. Agriculture Minister Pat Bell told them:

"The time for fine tuning the ALR in this region is over".